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HOUSE JOURNAL

OF THE

TWELFTH SESSION

OF THE

Legislative Assembly

OF THE

STATE OF MONTANA

Convened at Helena, the Capital of said State, on the Second Day of January, A. D. 1911, and Concluded on the Second Day of March, A. D. 1911.

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ORO Y PLATA

HOUSE OF REPRESENTATIVES.

Name.	Politics.	County.	Residence.
Alley, Roy S.	Dem.	Silver Bow	Butte.
Asbridge, J. L.	Dem.	Fergus	Lewistown.
Baker, John	Dem.	Lewis and Clark.	Helena.
Bell, C. S.	Rep.	Yellowstone	Billings.
Bernard, P. N.	Rep.	Lincoln	Eureka.
Berry, W. W.	Dem.	Missoula	Missoula.
Binnard, Joseph	Dem.	Silver Bow	Butte.
Blackburn, Dr. G. E.	Dem.	Silver Bow	Butte.
Blake, Harold N.	Rep.	Deer Lodge	Anaconda.
Brady, S. O'N. C.	Dem.	Park	Livingston.
Burt, George W.	Rep.	Custer	Ismay.
Byrnes, Owen	Dem.	Lewis and Clark.	Gould.
Crouch, S. J.	Dem.	Broadwater	Three Forks.
Dobell, J. L.	Dem.	Silver Bow	Butte.
Donohue, D. J.	Dem.	Dawson	Glendive.
Duffy, James C.	Dem.	Granite	Southern Cross.
Duffy, P. J.	Dem.	Silver Bow	Butte.
Ebert, Napoleon	Dem.	Park	Livingston.
Eliel, Frank	Rep.	Beaverhead	Dillon.
English, G. B.	Rep.	Deer Lodge	Anaconda.
Gillis, P. C.	Dem.	Silver Bow	Butte.
Gray, Frank L.	Rep.	Flathead	Polson.
Grubb, G. H.	Rep.	Flathead	Kalispell.
Hayes, John	Dem.	Cascade	Great Falls.
Herbold, F. D.	Dem.	Rosebud	Sumatra.
Hewett, M. L.	Rep.	Jefferson	Basin.
Hickey, John	Rep.	Granite	Philipsburg.
Higgins, Ronald	Rep.	Missoula	Missoula.
Holt, R. K.	Rep.	Cascade	Great Falls.
Holter, Albert L.	Rep.	Lewis and Clark.	Helena.
Jacobson, Martin	Rep.	Teton	Cut Bank.
Johnson, George W.	Dem.	Ravalli	Stevensville.
Johnson, Tom A.	Dem.	Lewis and Clark.	Helena.
Jordan, Dr. Arthur	Rep.	Madison	Twin Bridges.
Kammerer, Charles	Dem.	Madison	Ruby.
Kirschwing, Joseph	Dem.	Cascade	Great Falls.
Law, B. B.	Dem.	Gallatin	Bozeman.
Lissner, James	Dem.	Lewis and Clark.	Helena.
Macdonald, Dr. A. D.	Dem.	Flathead	Kalispell.
McDowell, W. W.	Dem.	Silver Bow	Butte.
McMurry, W. E.	Dem.	Ravalli	Hamilton.
McNally, J. E.	Dem.	Silver Bow	Butte.
McQuitty, I. S.	Dem.	Meagher	Harlowton.
Martin, W. L.	Dem.	Sweet Grass	Melville.
Moore, P. J.	Dem.	Silver Bow	Butte.
Moore, R. J.	Rep.	Valley	Glasgow.
Murray, T. J.	Rep.	Beaverhead	Dillon.
Nelson, F. E.	Rep.	Jefferson	Whitehall.
Nolan, C. B.	Dem.	Lewis and Clark.	Helena.
O'Flynn, E. F.	Dem.	Silver Bow	Butte.
O'Hern, Daniel L.	Dem.	Missoula	Missoula.
Owenhouse, E. J.	Dem.	Gallatin	Bozeman.
Paul, W. J.	Rep.	Powell	Deer Lodge.
Ralston, W. A.	Rep.	Deer Lodge	Fish Trap.
Reel, W. A.	Dem.	Madison	Norris.
Reser, A. H.	Rep.	Chouteau	Chinook.
Roberts, J. W.	Rep.	Cascade	Great Falls.
Rodgers, H. W.	Rep.	Deer Lodge	Anaconda.
Sarter, Theodore	Rep.	Meagher	White Sulphur Springs.
Schwartz Jr., Henry F.	Rep.	Chouteau	Gildford.
Slayton, D. W.	Rep.	Fergus	Lavina.
Stevens, Harry R.	Rep.	Silver Bow	Butte.
Story, Nelson Jr.	Rep.	Gallatin	Bozeman.
Swick, C. L.	Rep.	Deer Lodge	Anaconda.
*Terrett, W. D.	Dem.	Custer	Miles City.
Tolman, John N.	Rep.	Carbon	Red Lodge.
Tuttle, S. F.	Dem.	Jefferson	Boulder.
Vaughan, Harry J.	Rep.	Sanders	Trout Creek.
Whaley, W. C.	Dem.	Broadwater	Townsend.
Wheeler, B. K.	Dem.	Silver Bow	Butte.
Wheeler, E. A.	Dem.	Cascade	Belt.
Williams, Henry	Rep.	Deer Lodge	Anaconda.
Woody, Frank	Dem.	Missoula	Missoula.
Word, R. Lee	Dem.	Lewis and Clark.	Helena.

*Deceased.

FINLAY McRAE, Chief Clerk.

STATE SENATORS.

NAME.	Politics.	County.	Residence.
Burlingame, J. M.	Rep.	Cascade	Great Falls.
Christopher, W. E.	Rep.	Sanders	Thompson.
*Cockrell, Moncure	Dem.	Powell	Deer Lodge.
*Conrow, John M.	Dem.	Park	Livingston.
Dearborn, Allen R.	Dem.	Granite	Philipsburg.
Donlan, Edward	Rep.	Missoula	Missoula.
Duncan, M. M.	Dem.	Madison	Virginia City.
Dunnigan, W. H.	Rep.	Deer Lodge	Anaconda.
Edwards, John E.	Rep.	Rosebud	Forsyth.
Everett, T. M.	Rep.	Chouteau	Harlem.
Gallwey, Harry	Dem.	Silver Bow	Butte.
George, W. B.	Dem.	Yellowstone	Billings.
Groff, H. C.	Dem.	Ravalli	Victor.
*Kessler, C. N.	Rep.	Lewis and Clark	Helena.
Larson, T. O.	Rep.	Teton	Choteau.
Leary, James E.	Dem.	Lincoln	Libby.
Leighton, Dr. I. A.	Rep.	Jefferson	Boulder.
*McCarthy, J. C.	Dem.	Gallatin	Bozeman.
*McCone, George	Rep.	Dawson	Glendive.
*McDonnell, Charles	Rep.	Sweet Grass	Melville.
*Meyer, W. F.	Rep.	Carbon	Red Lodge.
Muffly, C. S.	Dem.	Broadwater	Winston.
*Selway, E. O.	Rep.	Beaverhead	Dillon.
Stout, Thomas	Dem.	Fergus	Lewistown.
Survant, John	Rep.	Valley	Malta.
*Sykes, H. N.	Rep.	Custer	Ekalaka.
*Tooley, C. P.	Rep.	Meagher	Twodot.
Whiteside, Fred	Dem.	Flathead	Kalispell.

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87	A Bill for an Act entitled, "An Act relating to qualifications of teachers and the granting of teachers' certificates to graduates of the University of Montana."	77, 218, 247, 255, 263, 337, 519, 582. 612, 645, 660, 661.
88	A Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance operation and betterment of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912."	77, 78, 161, 215, 251, 346, 359, 367, 450, 466, 482, 492.
89	A Bill for an Act regulating the sale of coal, charcoal and coke within the state of Montana and providing penalties for the violation thereof.	77, 78, 457.
90	A Bill for an Act entitled, "An Act to amend Section 8789 of the Revised Codes of 1907 relating to the placing of saw dust in streams, lakes or ponds.....	77, 78, 750, 799.

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91	A Bill for an Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of court in certain cases, and prescribing his or their duties and compensation.	77, 78, 195, 247, 330, 342, 519, 582, 612, 613, 645, 660, 661.
92	A Bill for an Act entitled, "An Act to create the Couty of Stillwater, designating and defining its boundaries and to provide for its organization and government and to apportion the indebtedness existing between said county of Stillwater and the counties of Sweet Grass, Carbon and Yellowstone.	77, 78, 693, 755.
93	A Bill for an Act entitled, "An Act to prohibit discrimination between different sections, communities and localities, unfair competition and providing penalties for the violation thereof."	77, 78, 441, 487, 784.
94	A Bill for an Act entitled, "An Act invalidating the assignment or transfer of unearned wages or salary and regulating assignments and transfers of salary."	77, 78, 147, 358.
95	A Bill for an Act entitled, "An Act defining the liability of persons or corporations operating any railroad in this state, for injuries received by employes thereof, or in consequence of the death of any such employe, by reason of negligence and to declare void contracts restricting such liability."	77, 78, 162, 193, 226, 227, 241, 251, 287, 484, 537, 538, 550, 578, 579.
96	A Bill for an Act entitled, "An Act to create and establish a law school at Missoula, to be conducted and operated as a department of the University of Montana, to provide a name and to make an appropriation therefor."	77, 78, 143, 215, 247, 255, 269, 339, 559, 576, 578, 579, 580, 897.
97	A Bill for an Act entitled, "An Act to amend Section 1736 of the Revised Codes of 1907, relating to hours of labor."	82, 179, 193, 226, 227, 241, 248, 286, 450, 466, 482, 493.

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98	A Bill for an Act entitled, "An Act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein."	85, 162.
99	A Bill for an Avt entitled, "An Act to provide for the acquisition of land for the use of county fair associations, agricultural and horticultural societies, to provide for the maintenance thereof, and for the purchase, and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907."	88, 216, 247, 345, 369, 378, 403, 484, 537, 538, 550, 578, 579.
100	A Bill for an Act entitled, "An Act to amend Section 4423 of the Revised Codes of 1907, of the state of Montana, in relation to the ownership and disposition of certain wild animals."	88, 354, 410, 838, 851, 880, 889.
101	A Bill for an Act entitled, "An Act with reference to the empaneling of a jury in trial in civil actions."	88, 89, 735.
102	A Bill for an Act to amend Section 6337 of the Revised Codes relating to the qualifications and exemptions of jurors.	88, 89, 734.
103	A Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of 1907, relating to the employment of a director of the State Fish Hatchery and providing for his salary."	88, 89, 356, 632, 722, 743, 806, 840, 844, 848, 908.
104	A Bill for an Act repealing Chapter 142 of the Session Laws of 1909, being, "An Act authorizing persons who are the owners, lessees or who otherwise control, the land surrounding any lakes or ponds in the State of Montana, and who have established fish hatcheries on the shores of such lakes or ponds, to catch fish therein and to sell or offer for sale the same, and to ship same within the State of Montana, prohibting the shipping and sale of such fish out of the state, and providing punishment for the violation of this Act."	88, 89, 355, 410.
105	A Bill for an Act entitled, "An Act appropriating	

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	money for the erection of Greenhouses and farm building at the Montana Agricultural Experimental Station at Bozeman."	88, 89, 143, 215, 257, 429, 443, 452, 881, 884, 886, 891, 892.
106	A Bill for an Act entitled, "An Act to amend Section 9779 of the Revised Codes of 1907, changing the name of the Montana State Reform School to the Montana State Industrial School."	99, 101, 144, 186, 225, 265.
107	A Bill for an Act entitled, "An Act relating to the liability of employers for injuries to their employes."	99, 101, 163, 193, 226, 227, 241, 251, 288, 524, 594.
108	An Act to provide for an additional Judge for the Fourth Judicial District of the State of Montana so that there will hereafter be three Judges in said district."	99, 101, 551, 576, 838, 852, 879, 889.
109	A Bill for an Act entitled, "An Act providing for the establishment, maintenance and conduct of an institution in connection with the State Insane Asylum for the care and treatment of indigent persons suffering from mental affliction occasioned by the use of drugs or intoxicants, providing for the commitment thereto and prescribing penalties for infraction of the provisions thereof."	99, 101, 586, 666, 802, 809, 816, 830, 897, 907, 908, 910.
110	A Bill for an Act fixing and allowing to executors and administrators the amount they shall be allowed for attorneys fees.	100, 101, 178.
111	A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Article IX of the Constitution of the State of Montana by adding a new clause to be numbered section 14 of said Article providing for the recall of public officers."	100, 101, 247, 303, 403, 408, 529, 632, 722, 743.

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112	A Bill for an Act entitled, "An Act to amend Section 1500, Revised Codes of Montana, 1907, defining the term 'Communicable disease.'"	100, 101, 259, 297, 430, 443, 453, 481, 773.
113	A Bill for an Act entitled, "An Act to amend Section 2760 of the Revised Codes of Montana of 1907 and to regulate the issuance of licenses to retail liquor dealers outside of the corporate limits of incorporated cities and towns."	100, 101, 299, 344, 470, 616, 627, 631.
114	A Bill for an Act entitled, "An Act to create the County of Cardwell, designate its boundaries, alter the boundaries of Jefferson, Madison and Silver Bow Counties to conform thereto and to provide for the organization and government of Cardwell County."	100, 101, 510, 594.
115	A Bill for an Act entitled, "An Act to amend Section 1144 of the Revised Codes of 1907 and to provide for the payment of fees and mileage of physicians in insanity examinations."	100, 101, 260, 312, 467, 468, 488, 501, 700, 898, 900, 904, 908, 911.
116	A Bill for an Act entitled, "An Act to establish a State Laboratory at the Montana Agricultural Experiment Station, to define the aim and scope of the work to be performed and providing for the administration, and to make appropriation for the establishment and maintenance thereof."	100, 101, 259, 566, 629, 767, 781, 790, 800.
117	A Bill for an Act entitled, "An Act to amend Section 3531 of the Revised Codes of Montana, relating to townsites."	100, 101, 213, 247, 255, 263, 338, 407, 428, 451, 492, 495.
118	A Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana, relating to townsites."	100, 101, 213, 247, 345, 359, 366, 421, 445, 483, 493.
119	A Bill for an Act entitled, "An Act to amend Chapter 86, Laws of the Eleventh Legislative Assembly of the State of Montana relating to the appointment	

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	by the State Board of Examiners, of a State Accountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary."	100, 101, 160, 311.
120	A Bill for an Act entitled, "An Act relating to, and regulating the sale of convict-made goods within the confines of the State of Montana, requiring all persons or corporations selling or offering for sale convict-made goods to take out a license, and providing a penalty for the violation of this Act and for the disposal of such penalty."	106, 148, 193, 226, 227, 241, 257, 288, 421.
121	A Bill for an Act entitled, "An Act to regulate the manufacture and sale of dairy products and imitation dairy products in the State of Montana; defining dairy products and imitation dairy products. Providing for a dairy specialist in the Montana State Agricultural College, appropriating moneys therefor and defining his duties and providing penalties for the violation of the provisions of this Act."	106, 193, 349, 480, 557, 632, 691, 708, 715, 801, 882, 884, 891, 892.
122	An Act to amend Section 673 of the Revised Codes of the State of Montana of 1907, relating to the duties of the President of the University of Montana by changing the date of filing annual report...	106, 218, 251, 346, 369, 403, 519, 582, 612, 613, 645, 660, 661.
123	A Bill for an Act entitled, "An Act creating the office of State Superintendent of Public Buildings, fixing his compensation and defining his powers and duties."	106, 298.
124	A Bill for an Act entitled, "An Act to create the County of Blaine, to designate and define its boundaries, to provide for its organization and government and to alter the boundaries of Chouteau County to conform to the boundaries of Blaine County."	106, 460, 471, 529.
125	A Bill for an Act entitled, "An Act to create the County of Hill, to designate and define its boun-	

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	daries, to provide for its organization and government and to alter the boundaries of Chouteau County to conform to the boundaries of Hill County."	106, 107, 460, 461, 470, 471.
126	A Bill for an Act entitled, "An Act to amend Section 1029 of the Laws of Montaan of 1909, relating to Pioneer Day."	110, 111, 239, 257, 429, 443, 451, 697, 701, 702, 709, 719.
127	A Bill for an Act entitled, "An Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent poor, sick and infirm."	110, 111, 228, 247, 257, 328, 421, 467, 487, 537, 538, 550, 579, 593, 627, 646, 660.
128	A Bill for an Act entitled, "An Act to amend Section 1502 Revised Codes of Montana 1907, relating to reporting of Communicable diseases."	110, 111, 260, 312, 470, 554, 575, 613.
129	A Bill for an Act entitled, "An Act authorizing the Governor to appoint an Educational Commission for the purpose of amending, revising and collating the laws touching upon the public schools of the state and for the further purpose of suggesting new legislation for the welfare of said schools and an appropriation to meet the expenses of said commission."	110, 111, 217, 270, 330, 470, 554, 575, 614, 801, 838, 888, 893, 895, 904, 908, 911.
130	A Bill for an Act entitled, "An Act requiring the County Assessor to furnish certified copies of his assessment book as to all property within the limits of incorporated cities and towns, and providing for his remuneration therefor."	110, 111, 312, 384, 470, 617, 636, 670, 806, 840, 843, 850, 886, 888.
131	A Bill for an Act entitled, "An Act to amend Sections 1218 and 1227 of the Revised Codes of Montana, 1907, and to fix the salaries of the Librarians of the Law Department and of the Historical and	

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	Miscellaneous Department of the State Library and the salaries of the Assistant Librarians and to provide for additional assistants."	110, 111, 160, 311, 882.
132	A Bill for an Act entitled, "An Act relating to the coercing or compelling persons not to join labor organizations or to cease membership in labor organizations, and providing for a penalty for the violation of this Act."	110, 111, 147, 186, 225, 238, 240, 252, 287.
133	A Bill for an Act to appropriate money for certain repairs and improvements at the Montana School for the Deaf and Blind, at Boulder, Montana	110, 111, 162, 174, 186, 225, 233, 239, 240, 884, 886, 891, 892.
134	A Bill for an Act entitled, "An Act to provide for the appointment of a Special Deputy in the Bureau of Agriculture, Labor and Industry, such deputy to be known and designated as Inspector at Labor, defiining his powers and duties and fixing his compensation."	110, 111, 524, 594.
135	A Bill for an Act to appropriate money for erection and furnishing additional buildings for the Feeble Minded at the School for the Deaf and Blind at Boulder, Montana.	120, 162, 574.
136	A Bill for an Act entitled, "An Act to amend Sections 3111 of the Revised Codes of the State of Montana relating to mileage."	120, 204.
137	A Bill for an Act entitled, "An Act to require the instruction of pupils in public, private or parochial schools in fire dangers and means of prevention thereof."	120, 217, 251, 345, 369, 379, 450, 466, 482, 493.
138	A Bill for an Act entitled, "An Act to amend Section 5773 of the Revised Codes of 1907 in relation to mortgages on growing crops and providing for a notice from the mortgagor to the purchaser of mortgaged property and for a penalty for failure so to do and providing that the purchaser of mortgaged grain shall retain the purchase price for	

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	the benefit of the mortgagee and providing a penalty for a failure to do so and to repeal all acts and parts of acts in conflict therewith."	125, 227, 481, 529, 893, 896.
139	A Bill for an Act entitled, "An Act to provide for the districting of the State of Montana, the appointment of four additional Deputy State Veterinary Surgeons, defining their qualifications, duties and compensation, providing for the testing of bovine animals, their quarantine, destruction and disposition, under the general supervision of the Live Stock Sanitary Board."	125, 259, 344, 767, 781, 800, 822, 903, 907, 908.
140	A Bill for an Act entitled, "An Act appropriating money for the erection of farm buildings and providing emprovements and equipments at the Horticultural Experiment Station in Ravalli County.".....	125, 126, 478, 567.
141	A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana, of an amendment to the Constitution of Montana amending Section 4, Article V, and amending Sections 2-3-4 and 5 of Article VI relating to representation in the Senate of the State of Montana."	125, 126.
142	A Bill for an Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and fix the number of members thereof.	125, 126.
143	A Bill for an Act entitled, "An Act providing for the regulation and control of domestic and foreign fraternal benefit societies, associations and corporations in the State of Montana."	125, 126, 332, 410, 802, 810, 818, 836, 897, 905, 906, 908, 910.
144	A Bill for an Act entitled, "An Act to increase the powers of cities by conferring upon City Councils the power to levy a special tax for the special purpose of installing an electric lighting system, provided the same shall have first been authorized by a majority of the taxpayers affected thereby."	145, 146, 262, 344, 470, 615, 620, 630.

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145	A Bill for an Act entitled, "An Act to authorize cities to install upon any of their streets or avenues, any special system or systems of street lighting, and to assess the cost and expense of installing, maintaining and operating the same, or any part thereof, against the property directly benefited thereby."	145, 146, 262, 344, 470, 615, 636, 664.
146	A Bill for an Act entitled, "An Act to regulate common carriers and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employes upon railway trains and to confer upon the Railroad Commission of Montana certain powers in relation thereto."	146, 413, 445, 617, 618, 636, 669.
147	A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2 of Article 9 of the Constitution of the State of Montana, relating to rights of suffrage and qualifications to hold office."	146, 209, 247, 271, 322, 329, 344, 366, 379, 403.
148	A Bill for an Act entitled, "An Act to repeal Section 4073 of the Revised Codes of 1907, relating to the taxation of Insurance Companies on excess premiums over losses and ordinary expenses incurred within the state."	146, 471, 511, 632, 691, 708, 715, 764, 773, 787, 805, 885.
149	A Bill for an Act entitled an Act to establish a sub-experimental station in Madison County, Montana, and providing for the acquisition of land for the same and the direction thereof and appropriating money therefor."	146, 354.
150	A Bill for an Act entitled, "An Act to create the County of Daly, designating its boundaries and providing for its organization and government."	146, 414.
151	A Bill for an Act to amend Sections 476 and 480 of the Revised Codes of the State of Montana relating to registration.	158, 389.
152	A Bill for an Act entitled, "An Act to regulate the Itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or	

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	deformity and to provide for the licensing of vendors of same."	158, 415, 458, 617, 633, 666, 672, 755.
153	A Bill for an Act to amend Section 3245 of the Revised Codes of 1907, relating to salary of Chief of Police.	158, 212, 247, 345, 369, 376, 519, 617, 633, 645, 647, 682, 688, 696, 718, 719.
154	A Bill for an Act to provide for the organization and government of cities of more than five thousand population, under a commission form of government and the adoption thereof by special election, and repealing all acts and laws inconsistent or in conflict with this act, in so far as the same relates to cities which adopt the provisions of this act as herein provided.	163, 165, 305, 372 425, 720, 729, 740.
155	A Bill for an Act entitled, "An Act prohibiting the use of a false name, defining evidence constituting prima facie evidence of the same and providing punisment for the violation of this act.'	163, 165, 178.
156	A Bill for an Act entitled, "An Act providing that a recorded mark or brand upon an animal shall be prima facie evidence of the ownership of such animal."	163, 165, 195, 227, 247, 257, 327, 370.
157	A Bill for an Act entitled, "An Act providing for the substitution and exchange of water for irrigation by appropriators and users of water from the same source of stream."	163, 165, 750, 799.
158	A Bill for an Act to provide for an exhibit of the products of the state of Montana at the International Exposition to be held in 1915 in celebration of the opening of the Panama Canal to provide a Commission to have charge of the Montana Exhibit and to appropriate money to pay the expenses thereof.	164, 165, 591.
159	A Bill for an Act entitled, "An Act to prohibit persons or corporations engaged in manufacture of malt beverages and persons engaged in the sale of Malt, spiritous or vinous liquors from engaging in, or assisting others to engage in the business	

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	or selling malt, spiritous or vinous liquors at retail, and providing penalties therefor."	164. 165, 445, 511.
160	A Bill for an Act entitled, "An Act to amend Section 7724 of the Revised Codes of 1907, of the State of Montana, relating to an inheritance tax on direct and collateral inheritances, bequests and devises, and to provide for its collection and direct the disposition of its proceeds."	164, 165, 218, 247, 268, 343, 461.
161	A Bill for an Act entitled, "An Act providing for the admission in evidence of confessions of the accused in criminal cases."	164, 165, 195.
162	A Bill for an Act entitled, "An Act requiring any persons, railway corporation, or company operating a line of rsailway in the State of Montana to equip its locomotive engines with some device or contrivance to effectually guard against the emission of fire and sparks; and providing a penalty for the violation of this Act."	164, 165, 490, 529.
163	A Bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same."	164, 165, 196, 228, 255, 269, 339, 407.
164	A Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of attachment."	164, 165, 266, 341, 470, 616, 635, 664, 806, 838, 888, 894 895, 902, 903, 909.
165	A Bill for an Act appropriating money for the erection and furnishing of an emergency building at Bozeman, Montana.	164, 165, 209, 575, 807.
166	A Bill for an Act entitled, "An Act to appropraite money for the continuance of the work of the State Livestock Sanitary Board during January and February, 1911."	164, 165, 247, 270, 312, 467, 468, 488, 502, 643, 682, 689, 696, 709, 719.

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167	A Bill for an Act entitled, "An Act authorizing the Montana Children's Home Society to take from the Orphans Home at Twin Bridges dependent children and place them in carefully selected homes for adoption and to provide compensation for the placing and caring for them."	164, 165, 210, 321, 384, 470, 617, 636, 647, 764, 785, 787, 805, 807.
168	A Bill for an Act entitled, "An Act to authorize the trustees in school districts of the first class to acquire by purchase public playgrounds and to provide for the levy of taxes to pay for the same."...	164, 165, 386, 807.
169	A Bill for an Act entitled, "An Act to provide that aliens shall pay a gun license and providing a penalty for failure to obtain a license. To provide for and regulate the duties of the Game and Fish Warden and his deputies."	165, 355, 470, 618 635, 669.
170	A Bill for an Act entitled, "An Act to amend Section 6658 of the Revised Codes of Montana, relating to attachments."	165, 166, 196, 227, 246, 257, 327, 407, 428, 451, 492, 495.
171	A Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana, relating to conditional sale and the filing of contract notes."	165, 166, 179, 193, 226, 227, 241, 251, 288, 519, 617, 632, 645, 682, 688, 709, 719.
172	A Bill for an Act entitled, "An Act to amend Section 6788 of the Revised Codes of Montana of 1907 relating to exceptions not presented for settlement at time of ruling."	165, 166, 267.
173	A Bill for an Act appropriating money to defray the expenses of establishing and maintaining an exhibit of the products of the State of Montana at the Panama Pacific International Exposition to be held in the City of San Francisco, California in 1915, and providing for the appointment of a commission to prepare and manage said exhibit.".....	174, 590.

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174	A Bill for an Act entitled, "An Act to regulate the discsharge or firing of fireworks and other pyrotechnics."	174, 202, 227, 247, 257, 304, 361.
175	A Bill for an Act entitled, "An Act to amend Chapter 70 of the Laws of Montana of 1909 relating to the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry by adding thereto a section to be numbered section 12 relating to the collection and exhibition of agricultural, mineral and other exhibits."	179, 180, 212, 247, 345, 369, 377, 474.
176	A Bill for an Act entitled, "An Act to appropriate money for the payment of the expenses incurred by the Commissioner of the Bureau of Agriculture, Labor and Industry in complying with the provisions of Chapter 70 of the Laws of Montana of 1909 and acts amendatory thereof."	179, 180, 212, 578.
177	A Bill for an Act entitled, "An Act providing for the care and maintenance of such indigent orphan children, waifs, or foundlings, as to whom proper provision is not made at the State Orphans' Home.	179, 180, 458, 511.
178	An Act entitled, "An Act to amend Section 1587 of the Revised Codes of the State of Montana, relating to the practice of medicine."	179, 181, 260, 344, 470, 555, 575, 600.
179	A Bill for an Act entitled, "An Act to secure for threshermen a lien upon grain and other crops threshed by them and to provide for the filing and foreclosing of the same in like manner as other mechanic liens are now filed and foreclosed."	179. 181, 212, 247. 345, 558.
180	A Bill for an Act entitled, "An Act to amend Section I and Section II of Chapter 90 of Eleventh Regular Session of the Legislative Assembly of the State of Montana relating to licenses."	180, 181, 266.
181	A Bill for an Act entitled, "An Act to provide and fix the salary and compensation of under sheriffs in counties of the first class."	180, 181, 210, 247. 345, 359, 366, 484, 537, 538, 550, 579, 600.
182	A Bill for an Act entitled, "An Act appropriating	

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	money for the maintenance of the State Orphans' Home at Twin Bridges, Montana, for the years 1911 and 1912 and for the erection of permanent improvements at said institution."	180, 181, 297, 578.
183	A Bill for an Act creating the Eastern Central and Western Judicial Districts of the State of Montana and designating their boundaries and providing for the appointment and election of a District Judge in each of said Districts and fixing the compensation of such Judges and prescribing their duties and providing for the payment of expenses incurred in carrying out the provisions of this Act."	180, 181, 314.
184	A Bill for an Act entitled, "An Act to regulate the sale of illuminating oil, coal oil and gasoline and providing a penalty for the violation of its provisions."	180, 181, 442, 511, 893, 896.
185	A Bill for an Act entitled, "An Act providing for compensation to the owners of glandered horses that may be destroyed according to law and appropriating money therefor."	180, 181, 195, 215.
186	A Bill for an Act entitled, "An Act to validate filings hereto made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of the County Clerks, or copies of articles of incorporation or of charters or statutes under which such corporations were formed, when such copies are true and correct copies but the same were not duly certified as such by the official custodian thereof in the Territory or State of Montana or in any other state or territory, and providing for a second filing of such articles, charters or statutes and the fees to be paid therefor."	181, 182, 263, 313, 384, 470, 617, 636, 647, 801, 840, 844. 848, 908.
187	A Bill for an Act entitled, "An Act making it the duty of every board of County Commissioners, to supply each Justice of the Peace, within the County, with a copy of the Revised Codes of Montana, 1907, the session laws enacted by subsequent legislative	

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	assembles and also a docket."	181, 182, 196, 228, 255, 338, 407.
188	A Bill for an Act entitled, "An Act to amend Section 907 of Article VII of the Revised Codes of Montana of 1907 relating to corporal punishment in schools."	186, 217.
189	A Bill for an Act entitled, "An Act to amend Section 6740 and to repeal Section 6744 of the Revised Codes of Montana of 1907, relating to challenging of the jury or jurors."	197, 198, 265, 312.
190	A Bill for an Act entitled, "An Act relating to and regulating the sale of coal, within the state of Montana, requiring all persons, associations or corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violation of this Act."	197, 198, 269, 344, 470, 555, 575, 614, 787, 838, 888, 893, 895, 901, 903, 908.
191	A Bill for an Act entitled, "An Act to amend Sections 7169-7170 of the Revised Codes of Montana, 1907, relating to costs and disbursements in the trial of cases."	197, 198, 265.
192	A Bill for an Act entitled, "An Act to pay a bounty of twenty-five (25) dollars on each Mountain Lion killed in Montana and providing that the same shall be paid from the Fish and Game Fund."	197, 198, 565, 646, 893, 895.
193	A Bill for an Act entitled, "An Act to prevent the hunting or killing of game animals between sunset of one day and sunrise of the next day; and to provide for the punishment of those who violate the provisions of said Act, and to provide for the disposition of the fines so collected."	197, 198, 356, 410.
194	A Bill for an Act to amend Section 3397 of the Revised Codes of Montana relating to the creation of special improvement districts and the maintenance thereof.	198, 433, 434, 487.
195	A Bill for an Act granting to the City or Town Council of cities or towns of the State of Montana, the power to cause the removal or destruction	

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	of any house, building or other structure which is insecure or is liable to cause injury to surrounding property by reason of fire or which by reason of dilapidation is unsightly.	198, 262.
196	A Bill for an Act to amend Section 3372 of the Revised Codes of Montana relating to public sewers...	198, 434, 477.
197	An Act entitled, "An Act to empower the Governor to remove from office any sheriff or county attorney of any county in the State of Montana who has refused or neglected to perform the official duties pertaining to his office and prescribing the procedure therefor."	219, 220, 263.
198	A Bill for an Act entitled, "An Act to regulate the practice of veterinary medicine and surgery in the State of Montana, and to establish a Board of Examiners in Veterinary medicine and surgery, and to define offenses committed contrary to the provisions of this Act, and providing penalties for the violation thereof."	219, 220, 258, 314, 372, 416, 802, 810, 839, 847.
199	A Bill for an Act entitled, "An Act providing for the payment of interest by the state on bounty claims presented and unpaid and appropriating money therefor."	219, 220, 259, 321, 369, 690, 732, 746, 806, 841, 844, 850, 888.
200	A Bill for an Act entitled, "An Act to amend Section 7027 of the Revised Codes of Montana of 1907, relating to undertakings on attachments in Justice of the Peace Courts and to exceptions to the sufficiency of the sureties on the undertakings."	219, 220, 306, 344, 470, 616, 636, 671, 882, 884, 886, 891 892.
201	A Bill for an Act entitled, "An Act to repeal Section 6579 of the Revised Codes of Montana, 1907, and to substitute therefor Section 6579 providing for cross complaints in an action where the ultimate rights of two or more defendants as between themselves, may be determined in the action and for the service of the cross complaints and for issu-	

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	ing service and return of summons upon the cross complaint."	219, 220, 263,.
202	A Bill for an Act entitled, "An Act to define the words inhabitant and residence."	219, 220, 265.
203	A Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of Montana, relating to the regular meetings of the Board of County Commissioners."	291, 220, 266 312, 470, 503, 512, 520, 774.
204	A Bill for an Act entitled, "An Act to amend Section 875 of the Revised Codes of Montana, relating to the powers and duties of school boards."	219, 220, 386, 445.
205	A Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana, 1907, and and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana, may bear an engraved or lithographed fac simile signature of the mayor and city or town clerk of such city or town."	219, 220, 371, 428, 467, 468, 488, 501, 764, 799, 802, 804, 885.
206	A Bill for an Act entitled, "An Act to regulate the hours when saloons and retail liquor stores shall remain closed."	219, 220, 299.
207	A Bill for an Act to define and punish lobbying.	220, 221, 512, 681, 683.
208	An Act entitled, "An Act appropriating money to pay W. L. Faulkner, J. E. Cudney, John Stuckie, W. O. Bohart, F. N. Foerchler, W. J. Crittenden, E. H. Davidson and J. E. Donohue for certain live stock slaughtered by the State Veterinarian and Deputy Veterinarian in the year 1908-1909."	220, 221, 258, 321.
209	A Bill for an Act entitled, "An Act concerning tax sale certificates to real estate."	220, 221, 264, 312, 467, 468, 487, 501, 531.
210	A Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of the State of	

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	Montana relating to the time of holding meetings by the Board of County Commissioners."	220, 221, 267.
211	A Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of County Clerks."	220, 221, 264, 330, 470, 555, 576, 615, 801, 838, 888, 893, 895, 906, 908, 910.
212	A Bill for an Act entitled, "An Act to amend Section 268, of the Revised Codes of 1907, relating to the schedule of wages of persons employed in the operation of the heating plant at the State Capitol."	220, 221, 396, 445, 617, 633, 656, 671.
213	A Bill for an Act to amend Section 8582 of the Revised Codes of Montana of 1907 relating to concealed weapons in cities or towns.	220, 221, 261, 312, 467, 468, 488, 502 580, 761, 762, 805, 805, 842.
214	A Bill for an Act entitled, "An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors and prescribing penalties."	228, 229, 297, 344, 470, 616, 626, 631, 697, 702, 709, 710, 719, 805.
215	A Bill for an Act entitled, "An Act to establish a sub-experimental station in Chestnut Valley in Cascade County for the acquisition of land for same and the direction thereof and appropriating money therefor."	299, 353.
216	A Bill for an Act entitled, "An Act providing for a method of organiatzion of counties hereafter created and describing the method thereof and providing for the appointment of the necessary officers and persons for such organization and the duties of such officers and the manner of the selection for appointment and providing for the expenses."	299, 509.
217	A Bill for an Act providing for the protection of forest and other lands from fire, prescribing the duties of fire wardens, providing for the expenses thereof, and prescribing penalties for the violation of this Act.	229, 258, 314, 708.

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218	A Bill for an Act relating to the rights of the State of Montana in and to the waters of the state including the beds of bodies of water and relating to the use of water for power and other purposes.....	229, 658.
219	A Bill for an Act entitled, "An Act to establish a State Hospital to be known as the Montana State Tuberculosis Sanitorium for the treatment of tuberculosis and also what is commonly called miners consumption, prescribing rules and regulations for the same and making an appropriation therefor."..	229, 414.
220	A Bill for an Act entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain county and state officers in connection therewith, prescribing penalties and repealing Sections 1045 to 1110, inclusive, of the Revised Codes of Montana of 1907.".....	235, 237, 330, 410, 451, 470, 483, 662, 766, 779, 780, 788, 804, 805.
221	A Bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars."..	237, 297, 344, 470, 616, 621, 630, 764, 773, 787, 805.
222	A Bill for an Act entitled, "An Act to amend Section 2502 of the Revised Codes of Montana of 1907 relating to the assessment of property for taxation."	237, 395.
223	A Bill for an Act entitled, "An Act providing for the assessment of land owned by counties and school districts, and situated within special improvement districts of cities or towns, and providing for the payment of such assessments."	237, 460, 511.
224	A Bill for an Act entitled, "An Act to create the County of Lake, designate its boundaries and provide for its organization and government and to change the boundaries of Flathead, Missoula and Sanders counties to conform thereto."	237, 509, 594.
225	A Bill for an Act entitled, "An Act appropriating money for the purchase of the George G. Swallow	

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	library and authorizing and empowering the president of the University of Montana to purchase said library for said University."	237, 238, 438, 528.
226	A Bill for an Act entitled, "An Act to provide for the payment of salaries to public administrators of the counties of the First and Second class and to provide attorneys fees to be fixed by the court in certain administration cases."	243, 245, 266.
227	A Bill for an Act entitled, "An Act to provide for the apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number of members thereof."	243, 245.
228	A Bill for an Act to amend Sections 8, 10, 22, 53, 54, 55, 56, 57, and 61 of Chapter 147 of the Montana Session Laws of 1909, an Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof and the management, protection, and disposition of the timber growing thereon, and the coal, oil, and minerals therein; providing for the management and control of the funds realized from the sale and rental of state lands, and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon state lands; defining and providing for the punishment of certain offenses for violating the provisions of this Act.	244, 245, 258, 314, 617, 633, 673, 708, 801, 880, 883, 891, 892.
229	A Bill for an Act entitled, "An Act to cede certain state school lands to the United States in lieu of other lands and providing for the selection of the lieu lands."	244, 245, 257, 297 467, 468, 708.
230	A Bill for an Act entitled, "An Act to amend Section 5761 of the Revised Codes of 1907 relating to the filing of mortgages of personal property and the duties of the county clerk in relation thereto."	244, 245, 266.

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231	A Bill for an Act entitled, "An Act to amend Section 8790 of the Revised Codes of Montana, 1907, relating to the killing and trapping of certain wild animals."	244, 246.
232	A Bill for an Act entitled, "An Act providing for the investment in bonds or warrants of any or all moneys in any sinking fund of any town, city or county within the state of Montana."	244, 246, 459, 544, 550, 597.
233	A Bill for an Act entitled, "An Act to provide for the alteration of the boundaries of incorporated towns and cities by annexation of unhabitated territory thereto and for the incorporation of such annexed territory in and as a part of such municipality and for districting government and municipal control of the annexed territory."	274, 277.
234	An Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and Forty Cents turned into the treasury of the State of Montana, through error by the Board of Commissioners for the insane.	274, 277, 413, 480, 529, 690, 732, 748, 806, 841, 844, 850, 888.
235	A Bill for an Act entitled, "An Act to amend Section 4311 of the Revised Codes of Montana, relating to the liability for livestock killed or injured by the railroads, and providing the manner of giving notice and keeping record thereof."	274, 277, 352, 410, 470, 618, 635, 670.
236	A Bill for an Act entitled, "An Act to create the county of St. Marys, designate its boundaries and provide for its organization and government and to change the boundaries of Teton County to conform thereto."	274, 277, 785.
237	A Bill for an Act entitled, "An Act to create the County of Conrad, designate its boundaries and provide for its organization and government, and to change the boundaries of Teton County to conform thereto."	275, 277, 784.
238	A Bill for an Act entitled, "An Act to provide for	

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	the establishment of districts in which running of live stock at large shall be forbidden and fixing penalties for the violation of this act."	275, 277, 477.
239	A Bill for an Act entitled, "An Act to amend Section 6741 of the Revised Codes of the State of Montana of 1907, relative to challenges for cause."	275, 277, 443, 479, 627.
240	A Bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the state bounty fund for the payment thereof."	275, 277, 370, 480, 529, 690, 732, 739, 745, 807, 839, 843, 849, 885, 888.
241	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector."	275, 277, 412, 479, 529, 617, 619, 626, 631, 764, 773, 788, 805, 842.
242	A Bill for an Act entitled, "A Act to amend Section 1664 of the Revised Codes of Montana, as amended by Section 2 of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection."	275, 277, 413, 458, 617, 619, 636, 664, 773, 838, 888, 894, 895, 904, 908, 911.
243	A Bill for an Act entitled, "An Act to exempt honorably discharged sailors and soldiers of the war of the Rebellion and honorably discharged sailors and soldiers of the Spanish-American war from the payment of road tax and poll tax."	275, 277, 508, 557, 893, 895, 898.
244	A Bill for an Act entitled, "An Act making the study of the United States Constitution, the Constitution of the State of Montana and the election laws of the State of Montana, a requirement for a degree in any department in the University of Montana."...	275, 277, 353.
245	A Bill for an Act entitled, "An Act to create and establish a Bureau of Legislative information and reference, designating its members and defining	

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	its powers and duties."	275, 277, 412.
246	A Bill for an Act entitled, "An Act to prove state certificates for those persons who have county professional certificates as they exist under present law and who have successfully taught in the public schools of this state for eight years."	275, 277, 387.
247	A Bill for an Act entitled, "An Act defining the duties of physicians practicing in the state of Montana, prescribing their compensation and penalties for failure in the discharge of duty."	275, 277, 414.
248	A Bill for an Act to amend Section Two 20 of an Act entitled an Act to amend Sections 8782, 8783, 8784, 8785, 8786 and 8788 of the Revised Codes of Montana, 1907, relating to the protection and killing of wild game and beaver and preventing the sale of Beaver skins and providing a punishment for the violation of this act.	276, 277.
249	A Bill for an Act entitled, "An Act to amend Section 4845 of the Revised Codes of the State of Montana relating to the priority of water rights from the streams of this state."	276, 277, 439, 487.
250	A Bill for an Act entitled, "An Act to amend Section 4106 of the Revised Codes of the State of Montana of 1907 relating to Mutual Rural Insurance Companies."	276, 277, 510, 557, 802, 812, 819, 847, 905, 908, 911.
251	A Bill for an Act entitled, "An Act to establish a sub-experimental station in Valley County, Montana and providing for the acquistion of land for the same and the direction thereof and appropriating money therefor."	275, 277, 370, 566.
252	A Bill for an Act entitled, "An Act to authorize two or more school districts to unite to form a new district or to enlarge a district by the annexation of one or more districts, and to authorize expenditures for the transportation of pupils."	276, 277, 386, 445.
253	A Bill for an Act entitled, "An Act to amend Chapter II, Title II, Part IV, Division I of the Civil Code	

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	of Montana, entitled: 'Trust Deposit and Security Corporations,' by adding thereto a section which shall be designated as Section 3942-A of the Revised Codes of Montana, relating to the status, powers and term of existence of any corporation which has availed itself or attempted to avail itself of the benefits of the Amendatory Acts referred to in Section 3942 of the Revised Codes of Montana."	301, 302, 384, 428, 470, 618, 635, 665, 764, 790, 791, 792, 805, 842.
254	A Bill for an Act entitled, "An Act to amend Sections 5762 and 5763 of the Revised Codes of Montana of 1907, relating to the filing and duration of the lien of chattel mortgages and to the renewal of chattel mortgages and the duration of the lien created thereby."	301, 302, 416, 458.
255	A Bill for an Act to amend Sections 7293 and 7299 of the Revised Codes of Montana of 1907, relating to the property affected by mechanic's liens, and the time within which actions to enforce such liens may be commenced.	301, 302, 358, 410, 801.
256	A Bill for an Act entitled, "An Act to create the county of Merino, designate its boundaries and provide for its organization and government and to change the boundaries of Meagher, Yellowstone, Sweet Grass and Fergus Counties to conform thereto."	301, 302, 784,.
257	A Bill for an Act to be entitled, "An Act to define the words or term "lowest responsible bidder."	301, 302, 380.
258	A Bill for an Act entitled, "An Act to provide that all persons hunting any deer, elk, Rocky Mountain goat, mountain sheep, or other large game, shall wear as an outer garment a scarlet red coat, waist or vest, and also a scarlet red hat or cap, and providing penalties for the violation of this act."	301, 302, 434, 487.
259	A Bill for an Act entitled, "An Act to amend Section 2692 of the Revised Codes of Montana of 1907, relating to persons liable to poll tax."	301, 302, 358, 419.

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260	A Bill for an Act entitled, "An Act to amend Section 6244 of the Revised Codes of Montana of 1907, relating to Justices of the Supreme Courts."	301, 302, 357, 428.
261	A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 1, Article VII of the Constitution of the State of Montana relating to the term of office of the Governor and Lieutenant Governor."	306.
262	A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana, of an amendment to Section 2 Article V of the Constitution of the State of Montana relating to the term of office of Senators and Representatives of the Legislative Assembly."	306.
263	A Bill for an Act entitled, "An Act providing for a commission form of Government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation."	369, 372, 408, 425, 426, 729, 740, 764.
264	A Bill for an Act entitled, "An Act to amend Section 5769 Chapter 3, Title 14, Part 4, Division 3, of the Civil Code of the Revised Codes of the State of Montana relating to foreclosure of mortgages on personal property."	318, 320, 736, 799.
265	A Bill for an Act entitled, "An Act to authorize District Judges, Justices of the Peace and Police Magistrates to suspend sentence upon a conviction for a first offense."	318, 320, 439, 487.
266	A Bill for an Act entitled, "An Act to provide for the manner of holding certain lands belonging to the State of Montana."	318, 320, 356, 410.
267	A Bill for an Act entitled, "An Act to provide for the inspection of steam boats, and all other boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana, to provide for their inspection and for the appointment of an inspector of boats, to define	

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	his duties, to provide for his compensation and to provide sailing rules for all such boats, and for the general superintendence and control of navigation by the State Board of Railroad Comissioners."	318, 320, 356, 445, 802, 813, 838, 845, 886, 897, 907, 909.
268	A Bill for an Act entitled, "An Act to amend Subdivision 1 of Section 453 of the Revised Codes of Montana of 1907, relating to proclamations of election by the Governor."	319, 320, 389, 445.
269	A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie for salary as Meat and Milk Inspector for Flathead County, between September 18, 1906, and April 20, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II of the Revised Codes of Montana, 1907."	319, 320, 439, 479, 529, 690, 732, 747, 806, 839, 843, 849, 888.
270	A Bill for an Act entitled, "An Act to amend Section 545 of the Revised Codes of Montana of 1907, in relation to the form of ballots to be used at elections."	319, 320, 389, 445.
271	A Bill for an Act entitled, "An Act to appropriate $5,000.00 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders and for the appointment of a commission to assist in the erection of memorial.'	319, 320, 353, 388, 445, 632, 722, 743, 897, 905, 908, 911.
272	A Bill for an Act entitled, "An Act to amend Section 6506 of the Revised Codes of 1907 relating to change of place of trial of causes of action."	319, 320, 478, 511.
273	A Bill for an Act providing for bonding of fire districts in unincorporated cities and towns	319, 321, 433, 477, 802, 811, 817, 834, 908, 909.

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274	A Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of the constitutional limit and to provide for the issuance of bonds in the name of the state, for the purchase of the property of Mitchell & Mussigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the states indigent insane, and others in need of hospital attention and treatment, all in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2."	319, 321, 560, 597, 690, 757, 769, 772, 881, 884, 886, 891, 892.
275	A Bill for an Act entitled, "An Act to establish the office of clerk of the Montana State Fish Commission and clerk to the Director of the State Fish Hatchery and providing for the appointment of Mrs. Charles B. Peyton as such clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, for the term of four years and providing for the salary of such officer and defining the duties of such officer and appropriating money out of the Fish and Game Fund for the payment of such salary."	319, 321, 435, 480, 529, 802, 811, 818, 836, 897, 904, 908, 911.
276	A Bill for an Act entitled, "An Act to amend Section 3003 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of county treasurers, to provide for the payment of interest on public money, and for the furnishing of official bonds by such officers."	320, 321, 508, 629.
277	A Bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same, which act was approved on March 5th, 1909, and prohibiting the making or reporting or recording or registering of	

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	any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated and to limit the number of days when such bets or wagers may be made, recorded reported or registered and providing penalties for the breach of the same."...	320, 321.
278	A Bill for an Act entitled, "An Act for the submission to be qualified electors of the state of Montana, of an amendment to Article XVI of the Constitution of the state of Montana, by adding thereto a section to be known as Section 7, relating to the consolidation of county and city governments."...	320, 321.
279	A Bill for an Act entitled, "An Act to permit railroad companies to carry free or at reduced rates, persons and property in certain cases."	320, 321, 352, 410, 845, 851, 880, 890, 898, 905, 908, 911.
280	A Bill for an Act entitled, "An Act to amend Chapter 2, Part 2, Title 4 of the Revised Codes of Montana of 1907, by adding thereto an additional section to be known as Section 6533-A relating to pleading in the alternative."	325, 357.
281	A Bill for an Act entitled, "An Act to regulate the use and occupancy of navigable waters of the State of Montana and providing a penalty for the violation thereof."	332, 334, 357, 410.
282	A Bill for an Act entitled, "An Act providing for the payment of the expenses of contests of seats of members of the Twelfth Legislative Assembly of the State of Montana and making an appropriation for such purpose."	332, 334, 415, 490, 578, 620.
283	A Bill for an Act entitled, "An Act to amend Section 9717 of the Revised Codes of 1907, relating to the control of the State Prisoners therein and employees, and fixing the compensation of certain employees."	332, 334, 354, 617, 633, 666, 673, 739, 761, 762, 805.
284	A Bill for an Act entitled, "An Act to amend Article 1, Chapter XIII, Title II, Part III of the Political Code of the State of Montana, being Sections 637	

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	and 638 of the Revised Codes of Montana of 1907, relating to the election of United States Senators."	332, 334, 389, 445.
285	A Bill for an Act entitled, "An Act defining the condition under which the payment of taxes by a person other than the record owner may be considered as evidence of adverse ownership or possession of real estate."	332, 334, 416.
286	A Bill for an Act entitled, "An Act appropriating money for the relief of A. J. Sullivan for horses slaughtered by the State and Deputy State Veterinary Surgeons in Custer County, Montana."	333, 334, 370.
287	A Bill for an Act entitled, "An Act to regulate the practice of law in all the courts of the State of Montana, providing penalties for the violation thereof and repealing section 6388 of the Revised Codes of 1907."	333, 334, 416.
288	A Bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claim."	333, 334, 477, 528, 576, 690, 732, 746, 807, 839, 843, 849, 888
289	A Bill for an Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith.	335, 334, 442, 481, 529, 690, 732, 737, 747, 880, 884, 886, 892.
290	A Bill for an Act entitled, "An Act to prohibit the possession, sale or other disposal of toy pistols and appliances for the use of blank cartridges or caps containing explosive substances and of blank cartridges, caps or other explosive substance intended for use in toy pistols or other appliances."	333, 334, 457, 511, 632, 722, 738, 742, 807, 841, 844, 850, 885, 888.
291	A Bill for an Act entitled, "An Act to amend Section one of Chapter 38 of the Laws of the Eleventh Regular Session of the State of Montana, as approved February 27th, 1909, in relation to an Act to provide for the erection of dock and wharves on the navigable waters within the state of Montana.	

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	and to provide for their management and control."	333, 334, 357, 410, 760.
292	A Bill for an Act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this Act, and repealing all acts or parts of acts in conflict herewith.....	333, 334, 458.
293	A Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907, regulating to free county high schools."	333, 334, 386, 445, 470, 618, 635, 665, 801, 839, 843, 849, 886, 888.
294	A Bill for an Act entitled, "An Act to amend Sections 3178 and 3180 of the Revised Codes of Montana, 1907, relating to the per diem and mileage of Jurors in Courts of Record."	333, 334, 564, 620.
295	A Bill for an Act to amend Section 2077 of the Revised Codes relating to officers, by-laws and exempt firemen of fire companies in unincorporated cities and towns, and to provide for the election by the taxpayers of fire districts in unincorporated towns, of a board of directors and defining the powers and duties of such board, and to amend Section 2081 of the Revised Codes relating to the levy of taxes upon property within fire districts in unincorporated cities and towns."	333, 334, 558, 629, 802, 812, 838, 846.
296	A Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907 as amended by an Act entitled, an Act to amend Section 2065 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors sand marines, approved March 4, 1909, and to amend Section 2067 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines."	333, 334, 387, 445, 802, 810, 818, 835, 906, 908, 910.
297	A Bill for an Act entitled, "An Act to repeal Sections 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, and 625 of the Revised Codes of Montana, 1907, relating to voting machines."...	334, 456, 511, 802, 810, 819, 844.

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298	A Bill for an Act entitled, "An Act to amend Section 6439 of the Revised Codes of 1907, relating to adverse possession of real estate."	359, 360, 416.
299	A Bill for an Act entitled, "An Act authorizing and regulating the sale of game and game birds, and providing a penalty for the violation of this Act."	359, 360, 434, 487, 617, 618, 672.
300	A Bill for an Act entitled, "An Act concering building and loan associations and to provide for their organization and defining the purpose and powers thereof and providing penalties for the violation of this Act."	359, 360, 682.
301	A Bill for an Act to enable the State of Montana to purchase 400 maps of the State of Montana for state and school purposes."	360, 394, 458, 690, 732, 761, 771.
302	A Bill for an Act to abolish the offices of State Game and Fish Warden and Deputy Game and Fish Wardens and to impose the duties of such officers upon the sheriffs and their deputies in the several counties of this state.	360, 434, 606.
303	A Bill for an Act entitled, "An Act to create the County of Shaw, designate its boundaries and provide for its organization and government and to change the boundaries of Valley County to conform thereto."	372, 785.
304	A Bill for an Act entitled, "An Act to prohibit the hunting of Game animals and game birds within a certain district in the state of Montana, defining the boundaries of said district, and providing punishment for the violation thereof."	372, 435, 487, 802, 815, 818, 835, 897, 906, 908, 910.
305	A Bill for an Act entitled, "An Act to amend Section 8785 of the Revised Codes of 1907, as amended by Chapter 81 of the laws of 1907, relating to the selling or offering for sale of the skins of beavers."	372.
306	A Bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort Benton."	372, 396, 479, 529, 786, 893, 895.

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307	A Bill for an Act entitled, "An Act to create the offices of official stenographer and the office of reading clerk in the House of Representatives of the State of Montana and fixing their compensation."	390, 397, 414, 458, 467, 487, 500, 581.
308	A Bill for an Act entitled, "An Act to amend Section 4349 of the Revised Codes of Montana relating to railroad rates."	390, 397, 695.
309	A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to the Constitution of Montana, amending Sections 3 and 17 of Article XII, relating to revenue and taxation and providing for the separate taxation of minerals."	390, 397, 443, 477.
310	A Bill for an Act entitled, "An Act to establish a State Hospital to be known as the Montana State Tuberculosis Sanitarium in some suitable location in the State of Montana for the treatment of tuberculosis and also what is commonly known as miners consumption, prescribing rules and regulations for the same and making appropriation therefor."	390, 397, 414, 568, 646, 690, 749, 769, 771, 897, 907, 908, 909.
311	A Bill for an Act relating to horticulture and prescribng penalties for the violation thereof, and repealing sections 1917 to 1947, inclusive, of the Revised Codes of the State of Montana of 1907.	390, 398, 506, 597.
312	A Bill for an Act entitled, "An Act to enable the Board of County Commissioners of Counties of the first class to allow claims for services rendered at the special instance and request of county officers."	390, 398, 459, 511, 617, 634, 656, 671, 840, 843, 849, 883.
313	A Bill for an Act entitled, "An Act to require publication of certain statements by corporations organized under the laws of Montana and for incorporations doing business within the State of Montana and providing penalties for the violation thereof."	396, 398.

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314	A Bill for an Act entitled, "An Act to require the publication of a list of all licenses issued by the county treasurers quarterly and providing penalties for the violation thereof."	396, 398, 550.
315	A Bill for an Act entitled, "An Act providing for the payment of compensation to certain employes for accidental injuries suffered in the course of their employment and defining the rights, remedies and liabilities of certain employers and employees."	396, 398, 659, 729.
316	A Bill for an Act entitled, "An Act to amend Section 6068 Revised Codes of Montana, relating to the measure of damage of wrongs."	396, 398, 735.
317	A Bill for an Act entitled, "An Act to appropriate money for establishment of the State Hospital to be nown as the Montana State Tuberculosis Sanitarium for the treatment of Tuberculosis and Miners Consumption and also for the maintenance of said sanitarium when established."	396, 398, 414, 567.
318	A Bill for an Act entitled, "An Act to create a lien upon grain for threshing the same and to provide for the foreclosure thereof."	396, 398, 562, 563.
319	A Bill for an Act entitled, "An Act providing for the issuance of permits by the State Game and Fish Wardens or Deputy State Game and Fish Wardens, to persons desiring to trap, take, kill or capture bears, mountain lions, wild cats, lynx, mink, otters, fishers, muskrats, martens, wolves, coyotes, foxes, skunks, and other non-protected fur bearing animals and prohibiting the shipment of pelts of any of said animals from the State of Montana until the same have been duly inspected by the State Game and Fish Warden or Deputy State Game and Fish Warden, and certificate of inspection issued by said inspecting officer which is to be presented by consignor to transportation company or common carrier at time of shipment of pelts, and providing penalties for violation of the provisions of this Act."	396, 398, 564, 646, 802, 812, 846, 879.
320	A Bill for an Act entitled, "An Act to amend Section	

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	8782 of the Revised Codes of Montana of 1907 as amended by Chapter 81 of the Session Laws 1909 relating to the killing of deer and the open season therefor and providing penalties for the violation thereof."	397, 398, 435, 487, 802, 813, 817, 832.
321	A Bill for an Act entitled, "An Act to protect farm laborers and plowmen, giving them liens on crops security for their wages and providing for the foreclosure of the same."	397, 398, 563.
322	A Bill for an Act entitled, "An Act to provide for the method of changing the name of counties within the State of Montana."	397, 398, 785.
323	A Bill for an Act entitled, "An Act to amend Section 153 of the Revised Codes of 1907 relating to the custody of records and duties of the Secretary of State."	397, 398, 507, 557.
324	An Act entitled, "An Act appropriating the sum of two hundred and fifty ($250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection."	409, 525, 575, 620, 690, 732, 747, 806, 839, 843, 849, 885, 888.
325	A Bill for an Act entitled, "An Act appropriating money to reimburse, members of the conservation commission, the road commission and the employers compensation commission appointed by the the Governor for the amount of actual expenses incurred in connection with the performance of their work."	409, 507, 557.
326	A Bill for an Act entitled, "An Act to amend Section 1484 of the Revised Codes of 1907 relating to local boards of health."	409, 507, 594.
327	A Bill for an Act entitled, "An Act to provide for the removal from office of any sheriff or county attorney who has refused or neglected to perform the duties pertaining to his office, defining the duties of the Governor with respect thereto and prescribing the procedure therefor."	409, 490

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328	A Bill for an Act to enact a general highway law, with an appropriation to carry out its provisions; providing for the classification and permanent improvement of the public highways and for the granting of county and state aid in certain cases; creating a state highway board and the office of State Highway Commissioner and repealing Sections 1337, 1338, 1340, 1341, 1344, 1346, 1345, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and also repealing that certain act approved March 11, 1909, entitled, "An Act to provide for the permanent improvement of main highways by extension of county aid for such purpose, to provide the manner of petitioning for such improvements, for the levying of assessments upon lands benefitted thereby for a payment of a part of the cost thereof."	418, 419, 436, 566, 675, 683. 802, 811,
329	A Bill for an Act entitled, "An Act to more clearly define the purposes for which corporations may be formed."	839, 845, 847. 418, 419, 711.
330	A Bill for an Act entitled, "An Act authorizing the tax commissioner of the State of Montana to examine and secure the attendance of witnesses and the production of books, papers and documents before it."	418, 419, 525.
331	A Bill for an Act entitled, "An Act to provide for the appointment of tax commission, to prescribe the duties thereof and to appropriate money therefor."	418, 419, 526, 576.
332	A Bill for an Act entitled, "An Act to legalize the incorporation of towns made previous to December, 31st, 1910, and validating the official acts of town councils of such incorporated towns."	418, 419, 682, 729.
333	A Bill for an Act entitled, "An Act to provide for the payment of wages for labor in lawful money of the United States and to punish violation of the same."	418, 419, 679.

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334	A Bill for an Act entitled, "An Act to create a commission to investigate and report to the legislature of this state, on the first day of the Legislative Session of 1913, a bill to fairly compensate employes for injuries received in the course of employment and defining the duties of said commission."	418, 419.
335	A Bill for an Act entitled, "An Act to amend Sections 8782 and 8784 of the Revised Codes of Montana of 1907 as amended by Chapter 81 of the Session Laws of the Eleventh Legislative Assembly, relating to open season for killing game."	444, 565.
336	A Bill for an Act entitled, "An Act prohibiting peace officers and other persons from obtaining or seeking to obtain, confessions from persons under arrest or charged with the commission of a crime."	444, 586, 646, 802, 816, 818, 837, 898, 901, 903, 909.
337	A Bill for an Act entitled, "An Act to amend Section 3131 of the Revised Codes of Montana, relating to Assistant and Deputy County Attorneys in counties of the first and second class."	444.
338	A Bill for an Act entitled, "An Act regulating marriages and the issuance of marriage licenses in certain cases and making an appropriation in connection therewith, providing penalties for the violation of this act and repealing all acts and parts of acts inconsistent herewith."	444, 478, 529.
339	A Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana, relating to licenses."	444, 510, 617, 632, 764, 785, 788, 805, 842.
340	A Bill for an Act entitled, "An Act to define and regulate public utilities and provide means for its enforcement."	462, 463, 498, 576.
341	A Bill for an Act entitled, "An Act to amend Section 8689 of the Revised Codes of Montana of 1907, relating to the removal of mortgaged property."	462, 463, 557.

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342	A Bill for an Act entitled, "An Act in relation to the taking of depositions, designating whose depositions may be taken, and creating a section to be known as section 8001-A of the Revised Codes of Montana of 1907, in relation to same."	462, 463, 558, 620.
343	A Bill for an Act entitled, "An Act to appropriate money to pay the expenses of the members of the Twelfth Legislative Assembly and committees thereof, in investigating the condition and value of the property of Mitchell & Musigbrod used in the care of the insane of the State of Montana."	462, 463, 561, 622, 697, 767, 782, 800, 822, 882, 897, 901, 903, 911.
344	A Bill for an Act entitled, "An Act to provide for the distribution of Joint Rates made over two or more connecting lines of railway."	462, 463, 590, 682.
345	A Bill for an Act entitled, "An Act granting to the city or town council of cities or towns of the State of Montana, the power to cause the removal or destruction of any house building or other structure within the city limits of such city or town, which is insecure or liable to cause injury to surrounding property by reason of fire or which by reason of dilapidation or abandonment is not habitable or tenantable."	462, 463.
346	A Bill for an Act entitled, "An Act to amend Section 8797 of the Revised Codes of 1907 of the State of Montana, relating to the protection of fish and prohibiting the depositing of sawdust in streams, lakes and ponds, and prescribing a penalty for the violation of this Act."	462, 463, 565, 620, 802, 813, 817, 834, 903, 908, 911.
347	A Bill for an Act entitled, "An Act to prevent the desertion and abandonment of wife or children by person charged by law with the maintenance thereof, to make such abandonment and desertion a felony and to prescribe the punishment thereof."	462, 463, 736.
348	A Bill for an Act to provide for the publication of the licenses collected by the county or city treasurer."	462, 463, 477, 511.

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349	A Bill for an Act entitled, "An Act requiring corporations to make publication of certain things appearing in their charter or articles of incorporation at the time of filing the same with the Secretary of State."	462, 463, 471, 511.
350	A Bill for an Act entitled, "An Act to amend Section 3887 of the Revised Codes of Montana in relation to corporations making non-assessable stock assessable, and repealing section 3888 of the Revised Codes of Montana."	363, 606, 693.
351	A Bill for an Act entitled, "An Act for the establishment of a sub-station in Horticulture, and for the purpose of carrying on experimental work in same in Lincoln County, Montana."	363, 506, 557, 649.
352	A Bill for an Act entitled, "An Act to provide that state officials shall receive only their actual traveling expenses and to provide for the payment of the expenses of district judges, incurred on account of holding court in counties other than the counties where they reside."	363, 507, 557, 690, 757, 769, 772, 882, 884, 886, 891, 892.
353	A Bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the state prison, and prescribing the method thereof, and to provide for the payment of the same, by counties other than the county wherein the state prison is located."	463, 544, 839, 852.
354	A Bill for an Act entitled, "An Act to establish an experimental sub-station in Horticulture and Agriculture in Missoula County, Montana, to authorize the executive board of the Montana Agricultural College to manage and control the same and to appropriate funds with which to construct and maintain said station."	471, 475, 506.
355	A Bill for an Act entitled, "An Act to divide the State of Montana into congressional districts."	471, 475, 839.
356	A Bill for an Act entitled, "An Act to provide for the preservation of information concerning members of the Montana Volunteers who served in the	

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	Spanish American War of 1898 and making appropriation therefor."	471, 475, 508, 557, 893, 895, 899.
357	A Bill for an Act to amend Section 269 of the Revised Codes of 1907 of the State of Montana, relating to the duties of the state board of examiners in the employment of laborers in and about the state capitol building."	471, 475, 589, 697.
358	A Bill for an Act entitled, "An Act providing for the establishing of the State Board of Poultry Husbandry, prescribing the duties of such Board and appropriating money therefor."	472, 475, 563, 622, 682, 767, 782, 800, 820, 903, 906, 908, 909.
359	A Bill for an Act entitled, "An Act relating to the payment of interest of special improvement district warrants issued in special improvement districts of cities and towns."	491, 492, 540, 597.
360	An Act entitled, "An Act relating to associations, companies and corporations transacting business similar to building and loan associations, and providing for the regulation and control of such corporations, companies or associations in the manner prescribed for the regulation and control of building and loan associations."	491, 492, 557, 646, 893, 895.
361	A Bill for an Act entitled, "An Act authorizing the appropriators of water to use the waters of streams already appropriated upon substituting an equal quantity from another source."	491, 492, 538, 597, 802.
362	A Bill for an Act entitled, "An Act to prohibit the sale of intoxicating liquors in the state of Montana between certain hours on Sunday the first day of the week."	491, 492, 712, 723, 761.
363	A Bill for an Act to forbid fishing for greyling and certain varieties of trout at or within certain distances of dams, fish ladders or state spawning stations and fixing the punishment for so doing.....	491, 492, 565, 682.
364	A Bill for an Act to amend Section 1482 of the Revised Codes of Montana of 1907 relating to the reg-	

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	ulations of the State Board of Health in respect to the lighting, heating and ventilating of public buildings."	491, 492, 562, 646.
365	A Bill for an Act entitled, "An Act defining the term 'Itinerant vendors' to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes."	491, 492, 733, 818, 897, 911.
366	A Bill for an Act entitled, "An Act defining the liability of persons or corporations operating mines, mills and smelters and coal mines in the State for injuries received by employes thereof, or in consequence of the death of any such employe, by reason of negligence."	491, 492.
367	A Bill for an Act entitled, "An Act to amend Section 7174 of the Revised Codes of Montana, 1907, relating to the furnishing of cost bonds by non-residents and foreign corporations."	491, 492, 557, 646, 908.
368	A Bill for an Act entitled, "An Act defining the term 'Itinerant Vendors', to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes."	491, 492, 733, 818, 897, 911.
369	A Bill for an Act to amend Section 8336 of the Revised Codes of Montana of 1907, defining the crime of rape."	491, 492, 558.
370	A Bill for an Act entitled, "An Act prescribing the salary of certain appointive and deputy state officers, clerks, stenographers and employes at the state Capitol."	511, 589, 646, 690, 722, 731, 746, 897, 900, 901, 902, 903, 907, 908, 911.
371	A Bill for an Act entitled, "An Act to create and establish the office of Legislative Draftsman and prescribing his duties."	511, 562, 646.
372	A Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices."	511, 559, 629, 802, 812, 817, 824.

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373	A Bill for an Act entitled, "An Act authorizing the city council of any city of the first or second class to purchase an exposition hall and auditorium, or to purchase its site therefor and to erect thereon such exposition hall and auditorium, to contract indebtedness therefor on behalf of any such city and to issue bonds for such purpose."	511, 540, 597.
374	A Bill for an Act entitled, "An Act to provide for the establishment of a Board of Architectural Examiners, and providing certain requirements and qulifications for the practice of architecture in the State of Montana."	511, 562, 629.
375	A Bill for an Act entitled, "An Act to repeal Chapter 67, of the Eleventh Session Laws of Montana entitled an Act to create a State Accident Insurance and Total Permanent Disability Fund for coal miners and employees at coal washers in the State of Montana and providing for the maintenance and management of the same extending and defining the duties of the State Auditor and fixing penalties for the violation of the provisions of this act."	511, 711, 755.
376	A Bill for an Act entitled, "An Act to pay employes of the Senate and House as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of Montana."...	529, 530, 558, 620, 690, 732, 761, 771, 882, 884, 886, 892.
377	A Bill for an Act entitled, "An Act to provide for the sale of personal property by persons, firms, corporations or others who have expended work and labor thereon."	529, 530, 607, 682.
378	A Bill for an Act entitled, "An Act to provide for the payment to Elmer Wagner of the sum of one thousand dollars ($1,000) for re-imbursement of moneys deposited as evidence of good faith in bidding upon contract."	529, 530, 606, 639.
379	A Bill for an Act entitled, "An Act to prevent the sale of mortgaged property or its removal from the county in which it is situated without the	

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	written consent of the mortgagee and provide a penalty therefor."	529, 530, 557, 629.
380	A Bill for an Act entitled, "An Act to regulate the manner and conduct of the business of pawnbrokers within the state of Montana, and providing penalties for the violation thereof."	529, 530, 540, 597.
381	A Bill for an Act entitled, "An Act to regulate the purchase of materials and supplies for the use and benefit of the State of Montana in counties, school districts and cities and towns therein and to provide penalties for the violation thereof."	529, 530.
382	A Bill for an Act entitled, "An Act to amend Sections 3418 and 3419 of the Revised Codes of Montana of 1907 relating to the issuance of warrants and bonds for the payment of improvements in special improvement districts by extending the time for which such warrants and bonds may be issued."	544, 545, 573, 646.
383	A Bill for an Act entitled, "An Act to amend Section 6714 of the Revised Codes of Montana relating to dismissal of actions."	545, 679, 729.
384	A Bill for an Act entitled, "An Act to amend Section 3847 of the Revised Codes of Montana 1907 relating to the place of holding meetings of stockholders and boards of directors of corporations."	545, 606, 682.
385	An Act entitled, "An Act to amend Section 3291 of the Revised Codes of Montana, 1907, relating to the granting of franchises by cities and towns."	545, 573, 646, 802, 812, 818, 844.
386	A Bill for an Act entitled, "An Act to amend Section 6758 of the Revised Codes of Montana, 1907, relating to the rendering of general or special verdicts."	545, 679.
387	A Bill for an Act entitled, "An Act to regulate the business of junk dealers and providing penalties for the violation thereof."	545, 574, 646.
388	A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State	

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	of Montana, of an amendment to Section 6 of Article XVI of the Constitution of the State of Montana, relating to officers, their election or appointment and their terms of offices other than officers names in the constitution."	545, 589, 682.
389	A Bill for an Act entitled, "An Act to amend Section 3216 of the Revised Codes of Montana, 1907, relating to officers of cities of the first class and prescribing certain qualifications for police judges in such cities."	545, 546, 574.
390	A Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana."	545, 546, 564, 621, 690, 693, 731, 742, 807, 841, 843, 850, 885, 888.
391	A Bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana for the years 1911 and 1912."	545, 546, 564, 620, 632, 691, 693, 714,
392	A Bill for an Act entitled, "An Act to improve the sanitary condition of quartz mines by providing for the proper ventilating of the same, and for protecting the lives of miners, and providing penalties for the violation of this act."	882, 884, 886, 892. 576, 577, 590, 597, 632, 691, 693, 714, 801, 840, 844, 849, 888.
393	A Bill for an Act entitled, "An Act to amend Sections 7561, 7562, 7563, 7567 and 7568 of the Revised Codes relating to the sale of real estate belonging to estates of deceased persons."	576, 577, 677, 729.
394	A Bill for an Act entitled, "An Act amending Section 3206 of the Revised Codes of the State of Montana, 1907, relating to the classification of cities and towns."	576, 577, 658, 697.
395	A Bill for an Act entitled, "An Act to permit common carriers to carry free or at reduced rates, persons and property in certain cases."	576, 577, 638, 697, 802, 809, 818, 825, 898, 905, 908, 911.

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396	A Bill for an Act entitled, "An Act regulating the use of motor vehicles and providing penalties for the violation thereof."	576, 577, 681, 729.
397	A Bill for an Act entitled, "An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and the board of examiners for a coal mine foreman and mine boss."	576, 577, 657, 768, 802, 815, 816, 837, 898, 902, 903, 909.
398	A Bill for an Act appropriating money for the payment of a claim against the State of Montana for loss arising from the slaughtering of diseased animals under the provisions of Sections 1841 and 1842 of the Revised Codes of Montana of 1907."	577, 624.
399	A Bill for an Act entitled, "An Act to proihbit any person or persons from divulging the contents of telegraphic and telephonic messages and providing a penalty therefor."	577, 735, 799.
400	A Bill for an Act entitled, "An Act appropriating money for the maintenance of the executive and judicial departments of the state government for two years commencing March 1, 1911 and ending February 28, 1913."	591, 592, 598, 663, 690, 731, 761, 770, 897, 900, 901, 902, 903, 907, 908, 910.
401	A Bill for an Act entitled, "An Act appropriating money for the maintenance and improvements of the various state institutions of Montana for two years commencing March 1, 1911 and ending February 28, 1913."	592, 598, 656, 690, 731, 761, 770, 897, 900, 901, 902, 903.
402	A Bill for an Act entitled, "An Act to amend Section 9728 and section 9729 of the Revised Codes of the state of Montana of 1907, relating to Labor and employment of convicts."	908, 911. 592, 648, 682.
403	A Bill for an Act entitled, "An Act to provide for the appointment of an inspector of elevators and mining cages, to fix his compensation and defining his duties."	592, 711.

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404	A Bill for an Act entitled, "An Act to amend Section 3191 of the Revised Codes of Montana of 1907, relating to the fees of interpreters."	592, 593, 677.
405	A Bill for an Act entitled, "An Act relating to banks and banking and trust deposits and security companies and creating a Depositors Guaranty Fund."	592, 593, 695.
406	A Bill for an Act entitled, "An Act to amend Sections 1713, 1714, 1715 of the Revised Codes of 1907 relating to the duties of the Inspector of Mines."	592, 593.
407	A Bill for an Act entitled, "An Act to provide for the creation of a board to be known as the Montana State Board of Fire Insurance Commissioners and to prescribe and fix their duties and term of office and to provide for their compensation and to provide for the regulation of fire insurance rates within the state of Montana, and to prevent unreasonable fire insurance rates or unreasonable premiums upon fire insurance policies and prescribing penalties for the violation of this Act."	592, 593, 608, 682.
408	A Bill for an Act entitled, "An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigating Committee and authorizing the payment of the same."	592, 593, 621, 693, 767, 782, 799, 820, 897, 906, 908, 910.
409	A Bill for an Act entitled, "An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from State Timber Lands."	592, 593, 597, 682, 802, 813, 817, 831, 897, 902, 903, 909.
410	A Bill for an Act entitled, "An Act requiring all persons and corporations operating passenger cars by electricity, to employ on each car or set of cars, one motorman and one conductor, in the operation of such car or set of cars."	592, 593.
411	A Bill for an Act entitled, "An Act relating to the care of orphan children, extending and defining the duties of the State Bureau of Child and Animal Protection, providing for an additional deputy	

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	in said bureau and defining his duties and fixing his compensation."	598, 599, 608, 682.
412	A Bill for an Act entitled, "An Act governing the admisability of confessions of defendents in criminal cases."	598, 599, 680, 729.
413	A Bill for an Act entitled, "An Act providing the condition under which foreign Mortgage and Loan companies, or Joint Stock Companies may transact business in the State of Montana."	598, 599, 658, 697, 838, 839, 852, 879, 889.
414	A Bill for an Act entitled, "An Act to provide for the establishment of State Inspector and weighing of grain, and regulating public warehouses and providing for the appointment of inspectors and weigh masters, their duties and responsiiblities and providing for the establishment of grades of grain and providing penalties for the violation of the provisions of this act."	598, 599, 767.
415	A Bill for an Act entitled, "An Act ot provide for the services of a clerk to the Adjutant General of the State of Montana and fixing the compensation of said clerk."	598, 599, 608, 693, 767, 782, 800, 821, 897, 902, 903, 909.
416	A Bill for an Act entitled, "An Act to appropriate the sum of one thousand ($1,000.00) Dollars or so much thereof as may be necessary, to pay the per diem and mileage of the members of the Joint Committee to investigate the affairs of the State Board of Stock Commissioners and to pay the mileage and per diem of witnesses required to testify before said committee and providing for payment thereof and for other purposes."	599, 624, 638, 682, 767, 782, 800, 421, 897, 906, 908, 911.
417	A Bill for an Act entitled, "An Act to amend Section 1665 of the Revised Codes of Montana of 1907 relating to the appointment and compensasation of a clerk to the Secretary of the State Bureau of Child and Animal Protection."	599, 608, 693, 767, 783, 800, 820, 898, 902, 903, 909.

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418	A Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims and salary of the members of the Supreme Court, the District Judges of the State and the County Attorneys of the state for the quarter ending February 28th, 1911."	597, 623, 693, 767, 782, 800, 821, 897, 904, 908, 911.
419	A Bill for an Act entitled, "An Act appropriating money to enforce the provisions of the act entitled, "An Act to create the office of State Sealer of Eights and Measures and providing the duties and powers relative to the inspection and sealing of weights and measures and providing penalties for the violation thereof."	609, 610, 624, 693.
420	A Bill for an Act entitled, "An Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly."	609, 610, 622, 646, 690, 731, 742, 893, 899, 900, 905, 906, 908, 910.
421	An Act appropriating money for the payment of deficiency claim for the maintenance of the National Guard and expenses of Adjutant General's office authoried by the State Board of Examiners."	609, 610, 623, 656, 690, 748, 769, 776, 883, 885, 886, 891, 892.
422	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account requisitions."	609, 610, 621, 697.
423	A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of certain persons for expenses incurred in transporting prissoners to the penitentiary during the year 1909."	609, 610, 657, 693.
424	A Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by J. C. Lowney in serving on commission to draft Liability and Compensation Act."	609, 610, 623, 693, 802, 815, 817, 835.
425	A Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by Neil Collins in serving on Workingmen's Compensation Committee."	609, 610, 622, 693, 802, 815, 817, 832, 833, 897, 905, 906, 908, 910.

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426	A Bill for an Act entitled, "An Act authorizing and directing the transfer of certain moneys in the General Fund to the maintenance account of certain State Institutions."	615, 623, 637, 690, 731, 737, 745, 881, 884, 886, 892.
427	A Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in Congress of the United States by political party conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the state, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected, and to amend Section 545 of the Revised Codes of 1907 of the State of Montana, so as to provide for placing on the official ballot the names of candidates for United States Senator."	625, 626, 648, 656 663, 675, 676, 686, 730, 761, 762, 805, 842.
428	A Bill for an Act entitled, "An Act prohibiting the admission of children to public dance houses or halls or to any concert saloon and providing penalties for the viloation thereof."	625, 626, 667, 693, 802, 813, 819.
429	A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expenses of the director of the State Fish Hatchery."	625, 626, 639, 633, 767, 782, 791, 801, 807, 840, 844, 849. 885, 888.
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108	A Bill for an Act entitled, "An Act to amend Section 1092 of the Revised Codes of 1907, relating to the duties, powers and compensation of the Adjutant General of the State of Montana."	474, 475, 508, 757, 760, 766, 777, 803.
111	A Bill for an Act entitled, "An Act changing and defining the boundaries of Sanders County and changing the boundaries of Missoula County to conform thereto."	421, 422, 471, 517, 554, 584, 596, 600.
112	A Bill for an Act entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, 'An Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds and to fix the limit of time in which actions to set aside or annul tax deeds may be brought;' and approved March 3rd, 1909, relating to tax deeds and to repeal the provisions of said section 2654, as amended in relation to the time within with suits may be brought to set aside or annul tax deeds."	421, 422, 470, 503, 678.
113	A Bill for an Act entitled, "An Act to legalize all warrants of counties issued and all bonds of counties issued or sold for the purpose of paying for the construction of public highways and public highway bridges."	421, 551, 838, 845, 851, 891, 901, 903.
118	A Bill for an Act entitled, "An Act prescribing the time within which every person, association, company, or corporation, engaged in purchasing, smelting, milling, or otherwise preparing ores, minerals or metals for market, for others shall settle with and pay to the consignors, thereof the amounts due thereon and prescribing penalties for the violation of this Act."	554, 583, 614, 629. 421, 422, 461, 517,

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119	A Bill for an Act entitled, "An Act to appropriate money to be applied by the State in the purchase of the property of Mitchell & Mussigbrod, located in Deer Lodge County, Montana, to enable the state to at once take over such property and use the same for the care of the indigent insane, and others in need of hospital treatment and attention, in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2, and authorizng the State Board of Examiners to apply surplus moneys in the general treasury on the purchase of said property."...	519, 520, 559.
120	A Bill for an Act entitled, "An Act to require bonds from abstractors and to provide security to the public against errors, omissions and defects in abstracts of title of real estate, and for the use of abstracts in evidence, and to provide a penalty for the violation thereof."	474, 475, 737, 851, 889.
123	A Bill for an Act entitled, "An Act to provide that all boxes, packages, cans and cartons containing goods, wares and merchandies shall have stamped thereon the net weight therein contained, and providing penalties for the violation thereof."	122, 441.
124	A Bill for an Act entitled, "An Act to provide for a system of examination, audit and control of state banks, savings banks, trust companies, building and loan associations, individual bankers, private banks and banking associations other than national banks; fixing the fees for examination under the provisions of this Act and providing penalties for the violation thereof."	662, 663, 684, 720, 760, 799, 898, 911.
125	A Bill for an Act entitled, "An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of Rocky Mountain spotted fever and appropriating money therefor."...	747, 475, 621, 757, 766, 778, 804.
128	A Bill for an Act entitled, "An Act fixing the time for the opening and closing of saloons in unincorporated cities, towns and villages and providing penalties."	474, 475, 607, 781, 803, 823, 885.

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129	A Bill for an Act entitled, "An Act providing for the appointment by County Commissioners of Land Examiners, and prescribing the duties and fixing the compensation of such person so appointed."...	756, 767, 888.
132	A Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of 1907 relating to exemptions from taxation."	629, 630, 735, 776, 786, 787, 799, 802. 814, 829, 885, 888.
133	A Bill for an Act entitled, "An Act to amend Section 3264 of the Revised Codes of Montana.".....	519, 678.
134	A Bill for an Act entitled, "An Act to amend Section 1509 and Section 1504 of the Revised Codes of Montana, 1907, providing that sewerage systems must be approved by the State Board of Health and relating to the pollution of water supply."...	519, 589, 632, 634, 644, 689, 698.
135	A Bill for an Act entitled, "An Act to authorize the creation of districts for lighting streets in the business portion of cities of the first class, and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon, and the remainder of such cost against the city at large."	685, 695, 802, 813, 826, 890, 894.
136	A Bill for an Act entitled, "An Act to create the State Bureau of Census, and to provide for the taking of census within the State of Montana."...	602, 603.
137	A Bill for an Act entitled, "An Act to amend Section 840 of the Compiled Laws of the State of Montana."	602, 605, 666, 781, 809, 825, 890, 894.
141	A Bill for an Act entitled, "An Act to amend Section 6364 of the Revised Codes of Montana.".....	519, 580, 582, 679.
143	A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 26 of Article V of the constitution, relating to prohibitions against the legislative assembly passing local or special laws in certain enumerated cases."	548, 736.
145	A Bill for an Act entitled, "An Act providing for an	

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	appraisal commission to investigate and report with respect to the reasonable value of the property of the copartnership of Mitchell & Mussigbrod, located in Deer Lodge County, the purchase of which has been recommended by joint committee; providing for the acceptance of the terms of this Act and for arbitration in order to reach agreement respecting the value of the property, and prescribing the duties of the state board of examiners in the premises."	519, 520, 560, 572, 749, 756, 757, 776, 803.
148	A Bill for an Act entitled, "An Act to amend Section 4242 of the Revised Codes of Montana of 1907, relating to the filing of vacancies in the membership of Cemetery Associations and increasing the membership thereof."	643.
149	A Bill for an Act entitled, "An Act to amend Section 6746 of the Revised Codes of the State of Montana, 1907, and repealing all laws in conflict herewith, in relation to the procedure in district courts in the matter of instructing juries and making and preserving exceptions thereto."	629.
151	A Bill for an Act entitled, "An Act appropriating money to pay fees and expenses of a Special Prosecutor and a Special Accountant employed to investigate the affairs of the State Board of Stock Commissioners and to prosecute all actions arising out of such investigation."	546, 548, 574, 757, 760, 766, 778, 804.
152	A Bill for an Act entitled, "An Act to amend Section 3003 and Section 3257 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of county and city treasurers, and to provide for the payment of interest on deposits of public money by County Treasurers, and City Treasurers of cities of the first and second class, and for the furnishing of official bonds by such officers."	630, 695.
155	A Bill for an Act entitled, "An Act to amend Section 4240 of the Revised Codes of Montana of 1907, relating to the powers of cemetery associations and	

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	extending thereto the right of eminent domain."...	546, 559, 893, 896, 900, 901.
158	A Bill for an Act entitled, "An Act to require banks of discount and deposits and trust companies accepting savings deposits to treat them as such, according to the laws of Montana governing the loans and investments and reserve of savings banks."	756, 841.
159	A Bill for an Act entitled, "An Act regulating the sale of merchandise, prohibiting false representation as to its manufacture or source, and prescribing penalties for the violation of this Act.".....	806, 843, 879.
160	A Bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, as amended by Chapter 85 of the Session Laws of 1909, relating to the salary and compensation of deputies to county officers and assistants, and to amend Section 3134 of the Revised Codes of Montana of 1907, also to repeal Sections 3131, 3132 and 3135 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of assistant and deputy county attorneys."	720, 721, 734, 802, 814, 828, 890, 894.
161	A Bill for an Act entitled, "An Act to prevent the employment of persons under eighteen years of age as messengers at certain times and places, and to provide for the punishment of the violation of this Act."	602, 603, 605, 667.
162	A Bill for an Act entitled, "An Act to amend Section 3387 of the Revised Codes of Montana, 1907, relating to the cost of curbing, guttering and constructing side walks and keeping the same in repair."	602, 603, 605.
163	A Bill for an Act entitled, "An Act to amend Section 1712 Revised Codes of the State of Montana, 1907, as amended by an Act of the Eeleventh Legislative Assembly, entitled, 'An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salaries of the inspector and deputy inspector of mines and to provide for the salary of such deputy inspector of mines."	602, 605, 639, 767, 783, 788, 803.

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165	A Bill for an Act entitled, "An Act to prohibit the sale of intoxicating liquors in the State of Montana between certain hours on Sunday the first day of each week."	843.
166	A Bill for an Act entitled, "An Act to prohibit the selling, giving away or drinking upon any public schoolhouse premises any intoxicating beverages and prohibting their being brought upon said premises."	602, 605, 842.
167	A Bill for an Act entitled, "An Act relating to banks and banking, providing for the organization, management, conduct, regulation and supervision of same, providing penalties for violation of the provisions of this Act and repaling sections 3909 to 3958 inclusive, and Sections 3976 to 4015 inclusive, of the Revised Codes of 1907."	843.
168	A Bill for an Act entitled, "An Act to amend Chapter V of Part III of Titile VII of the Revised Codes of 1907 relating to the industry of Horticulture, amending Sections 1918, 1922, 1923, 1924, 1925, 1931, 1934, 1939, 1942, 1944 and 1947, re-enacting Sections 1917, 1919, 1921, 1926, 1927, 1928, 1929, 1930, 1932, 1935, 1936, 1937, 1938, 1940, 1941, 1943 and 1946 thereof adding a new section numbered 1923-A repealing Sections 1920 and 1933 thereof and renumbering the sections in said Chapter."	787, 838, 851, 892, 904, 908.
171	A Bill for an Act entitled, "An Act to define that misrepresentation or warranty shall be sufficient to defeat or void a policy of insurance, and fixing the time when any breach of warranty shall be effective to relieve the insurer from liability."	806, 843.
172	A Bill for an Act entitled, "An Act to regulate the sale of irrigable state lands capable of reclamation under any canal or proposed canal or other irrigation system."	663, 663, 694, 781, 809, 826, 890, 894.
173	A Bill for an Act entitled, "An Act to amend Section 4198 of the Revised Codes of Montana, concerning building and loan associations."	663, 664.
174	A Bill for an Act entitled, "An Act to establish a	

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	state game preserve for the protection of antelope and other game animals and game birds and providing the penalties for the violation thereof."...	643, 680, 781, 809, 826, 890, 894.
175	A Bill for an Act entitled, "An Act prescribing additional duties and powers of the state accountant and providing for the examination of the books, accounts and financial affairs of the Boards of Trustees of School Districts of the first class."...	701.
177	A Bill for an Act entitled, "An Act for the changing of names of any natural stream, water course, spring, dry coulee, creek, river, lake and other natural source of water supply which lies wholly within the limits of one county."	700, 763, 893, 896, 900, 904, 908.
178	A Bill for an Act entitled, "An Act regulating the leasing of lands which are, or may be, owned by the state of Montana, lying between low and high water mark of any navigable lake within the state of Montana, and forbidding the sale or leasing thereof."	720, 721, 739, 755, 802, 814, 828, 890, 894.
179	A Bill for an Act entitled, "An Act prohibiting any person, co-partnership or corporation from obstructing the waters of any navigable lake within the state of Montana, to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floated in and upon such navigable lake, and providing punishment for the violation of this Act."...	720, 721, 738, 802, 814, 829, 843, 848, 899, 903.
181	A Bill for an Act entitled, "An Act validating the organization and incorporation of the Yellowstone Irrigation District in the County of Rosebud and the corporate acts of the said district and providing for the issue and sale of the bonds thereof."	663, 682.
183	A Bill for an Act entitled, "An Act to provide for the preservation of the forests and timber lands of and in the state of Montana, for the creation of the offices of fire wardens and deputy fire wardens, and their compensation, the manner of appointment and term of office and for the carrying	

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	into effect of the provisions of this Act, defining the duties and powers of said officers and other officers in connection with this Act; prescribing the duties of persons, firms and corporations under this Act and providing penalties for violations of the provisions hereof, and repaling Sections XI, XII, XIII, XIV and XV, Chapter 147, the Laws of the Eleventh Legislative Assembly."	720, 721, 738, 808, 810, 819.
184	A Bill for an Act entitled, "An Act to amend Section 2263 of the Revised Codes of 1907, relating to limitation of contracts and prohibiting further segregations under the Carey Land Act."	730.
185	A Bill for an Act entitled, "An Act for the protection of employees as members of labor organizations and to prevent the coercion of said employes not to enter into an agreement either written or verbal, to join or become a member of any labor organization as a condition or securing or continuing eployment and providing a penalty for the violation thereof."	806, 843, 848.
187	A Bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1910."	730, 768, 815, 830, 890, 894.
188	A Bill for an Act entitled, "An Act to appropriate money to pay the cost of investigating the Carey Land projects and other state lands."	806, 843, 852, 878, 888, 893, 901, 903.
189	A Bill for an Act entitled, "An Act appropriating money to reimburse O. W. Hinote for improvements on land sold to him by the State, and to which the state failed to give him title."	765, 784, 802, 814, 827, 890, 894.
190	A Bill for an Act entitled, "An Act appropriating money to refund to Dave Anderson a deposit made in bidding for the construction of a building at the Montana Agricutural College at Bozeman, Montana."	730, 769.
194	A Bill for an Act entitled, "An Act to provide for the construction of fences and cattle guards along the right of way of any railroad, and to provide for	

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	the amount of damages to be recovered from any railroad corporation for stock killed and providing penalties for the violation thereof."	765, 841.
197	A Bill for an Act entitled, "An Act to provide an additional judge for the Twelfth Judicial District of the State of Montana, so that there will hereafter be two judges in said District."	756, 767, 802, 814, 829, 890, 894.
198	A Bill for an Act entitled, "An Act to enable the council of cities or towns to change the boundary lines of said cities or towns by the disannexation of territory."	765.
199	A Bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of one thousand ($1,000.00) Dollars for re-embursement of money deposited as evidence of good faith in bidding upon contract."	806, 843.
201	A Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montan of 1907. as amended by Senate Bill No. 96 of the Twelfth Legislative Assembly of the State of Montaan relating to the classification of Insurance Companies. granting certain powers thereunder and providing certain restrictions and exception in connection therewith."	806, 838, 842, 843, 850, 892, 901, 903.

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4	Petitioning Congress for the establishment of pleasure grounds on the irrigation districts now laid out, and naming Fort Shaw Military Post as one of the parks.	186, 187, 439, 517, 522, 533, 572, 579.
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9	Memoralizing Congress to take such steps as will speedily secure the release of all untimbered areas from forest reserves, except where reforest station is practicable.	730, 731.

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HOUSE JOURNAL

OF THE

Twelfth Legislative Assembly

OF THE

STATE OF MONTANA.

HOUSE OF REPRESENTATIVES.

First Day.

Helena, Montana, January 2, 1911.

Pursuant to law, at the hour of 12 Noon, the House of Representatives of the Twelfth Legislative Assembly of the State of Montana was called to order by the Honorable A. N. Yoder, Secretary of the State of Montana.

On motion of Whaley of Broadwater, Owen Byrnes of Lewis & Clark was elected Temporary Chairman.

On motion of Whaley of Broadwater, Finlay McRae was elected Temporary Secretary.

The roll was called and the members presented their certificates of election, with the exception of T. A. Johnson of Lewis & Clark, and John Hickey of Granite, who failed to have their certificates of election with them.

Frank Eliel, A. H. Reser and W. D. Terrett were absent on roll call.

Secretary of State Yoder introduced Associate Justice Smith of the Supreme Court of the State of Montana, who administered the oath of office to the members present, who duly signed it as follows:

Alley, Roy S.
Ashbridge, J. L.
Baker, John
Bell, C. S.
Bernard, P. N.
Berry, W. W.
Binnard, Joseph
Blackburn, Dr. G. E.
Blake, Harold
Brady, Sam O. N. C.
Burt, Geo. W.
Byrnes, Owen
Crouch, S. J.
Dobell, J. L.

Donohue, D. J.
Duffy, Jas. C.
Duffy, P. J.
Ebert, Napoleon
English, G. B.
Gillis, P. C.
Gray, Frank L.
Grubb, G. H.
Hayes, John
Herbold, F. D.
Hewett, M. L.
Higgins, Ronald
Holt, R. K.
Holter, Albert L.
Jacobson, Martin
Johnson, Geo. W.
Jordan, Dr. Arthur
Kammerer, Chas.
Kirschwing, Joseph
Law, B. B.
Lissner, James
Macdonald, Dr. A. D.
McDowell, W. W.
McMurray, W. E.
McNally, J. E.
McQuitty, I. S.
Martin, W. L.
Moore, Paddy
Moore, R. J.
Murray, T. J.
Nelson, F. E.
Nolan, C. B.
O'Flynn, E. F.
O'Hern, Daniel L.
Owenhouse, E. J.
Paul, W. J.
Ralston, W. A.
Reel, W. A.
Roberts, J. W.
Rodgers, H. W.
Sarter, Theodore
Schwartz, Henry F.
Slayton, D. W.
Stevens, Harry R.
Story, Nelson, Jr.
Swick, C. L.
Tolman, Jno. N.
Tuttle, S. F.
Vaughn, Harry
Whaley, W. C.
Wheeler, B. K.
Wheeler, E. A.
Williams, Henry
Woody, Frank
Word, R. Lee

Nominations for Speaker being in order, Whaley of Broadwater nominated W. W. McDowell of Silver Bow.

Roberts of Cascade nominated G. H. Grubb of Flathead.

Nominations being closed, roll was called with the following results:

Those voting for McDowell were as follows:

Alley, Ashbridge, Baker, Berry, Binnard, Blackburn, Brady, Byrnes, Crouch, Dobell, Donohue, Duffy (Granite Co.), Duffy (Silver Bow Co.), Ebert, Gillis, Grubb, Hayes, Herbold, Johnson (Ravalli Co.), Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurray, McNally, McQuitty, Martin, Moore (Silver Bow Co.), Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler (Silver Bow Co.), Wheeler (Cascade Co.), Woody and Word—40.

Those voting for Grubb were as follows:

Bell, Bernard, Blake, Burt, English, Gray, Hewett, Higgins, Holt, Holter, Jacobson, Jordan, McDowell, Moore (Valley Co.), Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughn and Williams—29.

Those not voting were Hickey and Johnson (Lewis & Clark Co.)

Those absent were Eliel, Reser and Terrett.

McDowell receiving a majority of all votes cast was declared elected Speaker of the House.

The Chairman appointed Blackburn and Nolan to escort McDowell to the chair.

Mr. Speaker called for nominations for officers and employes of the House.

Whaley of Broadwater moved the election as officers and employes of the House the following:

Speaker protem, R. Lee Word; Chief Clerk, Finlay McRae; Asst. Chief Clerk, H. P. Harmon; Sergeant at Arms, J. L. DeHart; Journal Clerk, D. Oswald Cohan; Asst. Journal Clerk, Amelia Breidenbach; Asst. Sergeant at Arms, Dan McLeod; Chaplain, I. N. Smith; Enrolling Clerk, Vincent Fortune; Asst. Enrolling Clerk, Mary Utley; Engrossing Clerk, Henrietta Wine DeWatt; Asst. Engrossing Clerk, Mrs. Duval; Bill Clerk, F. M. McHaffy; Doorkeepers, G. C. Doods, Wm. F. Brennan and Ed. Hanley; Watchmen, A. J. Haley, Johnson Pierson and W. H. Bushnell; Pages, Bill Miller, Jas. McElwee, Eddie McEnvoy, Jos. Bubser, Claud Johnson and Vincent Murphy; Janitors, L. McKelvey and Jas. Woodside.

Roberts of Cascade moved the election as officers and employes of the House, the following:

Speaker pro tem, Nelson Story, Jr.; Chief Clerk, C. E. Turscott; Asst. Chief Clerk, Chas. Gordon; Engrossing Clerk, Harry McNally; Asst. Engrossing Clerk, H. G. Seeley; Enrolling Clerk, W. J. Jarrett; Asst. Enrolling Clerk, Chas. Powell; Sergeant at Arms, Bond Rhue; Asst. Sergeant at Arms, Gus. Hoefner; Doorkeepers, Frank J. Jessup, G. C. Cleaves and Jos. Rich; Pages, Wm. Meyer, Johnny Merriman and Francis Ralston; Watchman, Nathaniel Stark; Janitor, A. R. Lyndes; Asst. Janitor, Con. O'Leary; Chaplain, A. E. McNamara.

Moved by Whaley, that the Secretary pro tem cast for the Democratic Caucus nominees the same number of votes as were cast for Speaker McDowell, and to cast for the Republican caucus nominees the same number of votes as were cast for Grubb of Flathead. The Temporary Secretary thereupon cast votes in accordance with said motion, and the list of names of officers and employes named by Whaley being declared elected, were sworn in by Associate Justice Smith.

The Sergeant at Arms announced a committee from the Senate and Senator Edwards, Chairman of said committee reported that the Senate was organized and ready for business.

On motion of Byrnes, which was duly carried, Mr. Speaker appointed a committee of three composed of Byrnes, Woody and Grubb to notify the Senate that the House was duly organized and ready for business.

On motion of Nolan, duly carried, Mr. Speaker appointed a committee of three, consisting of Nolan, Dobell and Blake to act in conjunction with a like committee of the Senate to notify the Governor that the House was ready for business.

The committee thereafter reported that it had performed its duty.

Motion by Hayes, duly carried, that a committe of five be appointed to act in conjunction with a similar committee from the Senate, to elect a Postmaster and Assistant Postmaster. Mr. Speaker appointed Hayes, Owenhouse, Herbold, Tolman and Hewett on said committee.

Binnard of Silver Bow moved that the rules of the House of the Eleventh Assembly be adopted temporarily by the Twelfth Assembly, and that Read's Parliamentary Rules be substituted for Roberts Rules of Order, until such time as new rules are adopted.—Carried.

On motion of Byrnes, Mr. Speaker was empowered to employ a stenographer.

Macdonald moved that when the House adjourns, it adjourns to meet at 10:30 A. M. tomorrow.—Carried.

Nolan reported to the House on behalf of committee, that the Governor advised that he would address both Houses in joint session tomorrow morning, Jan. 3rd, at eleven o'clock.

On motion of Byrnes that the House adjourn until 10:30 A. M. tomorrow, the 3rd inst., the House adjourned at 2:00 P. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAE, Chief Clerk.

Second Day.

Tuesday, January 3rd 1911.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll was called and all members found present except Terrett.

Minutes of previous session read and on motion of Whaley amended, and as amended approved.

Secretary of State Yoder was received and presented the following communication:

To the Honorable Speaker of the House of Representatives of the Twelfth Legislative Assembly,

Gentlemen:

I have the honor to transmit the papers as received at my office in the contest of Harry R. Stevens, Representative elect in the Legislature of the State of Montana for Silver Bow County. Also the papers in the contest of James C. Duffy to the office of Representative of the County of Granite.

Very respectfully,

A. N. YODER, Secretary of State.

The Speaker directed that the above communication, together with contest papers, be turned over to the clerk and by him delivered to the Committee on Privileges and Elections, to be named hereafter.

The following communications were received and read:

Senate Chamber, Helena, Montana, January 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that: The Senate has this day appointed a committee of five, consisting of Senators Edwards, Selway, Survant, McCarthy and Muffly, to confer with a like committee of the House, to appoint a Postmaster and Assistant Postmaster.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that: On a motion of Senator Whiteside, the President appointed a committee of three to draft a resolution pertaining to the death of Honorable Patrick Daly, and the President appointed the following committee:

Senators Whiteside, Duncan and Dunnigan.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that: The Senate has this day appointed a committee of three, consisting of Senators Donlan, Meyer and McCarthy, that the Senate was duly organized and ready for business.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that: The following is a complete list of the officers and attaches of the Senate:

REPUBLICAN CAUCUS NOMINATIONS.

President Pro Tem,	Ed Donlan, Missoula.
Chaplain,	Rev. Jas. F. McNamee, Lewis & Clark.
Secretary,	Nathan Godfrey, Lewis & Clark.
Assistant Secretary,	Chas. B. Gibbs, Sanders.
Sergeant at Arms,	Jos. Corby, Silver Bow.
Assistant Sergeant at Arms,	H. C. Province, Carbon.
Journal Clerk,	Wm. H. Harrison, Cascade.
Assistant Journal Clerk,	Miss A. Lakin, Lincoln.
Engrossing Clerk,	Mrs. E. W. Peed, Beaverhead.
Enrolling Clerk,	J. H. Hoy, Deer Lodge.

Assistant Enrolling Clerk,	C. T. Rader, Meagher.
Bill Clerk,	Mrs. J. Wescott, Chouteau.
Printing Clerk,	Gaylord Eckles, Valley.
Doorkeeper,	P. Fleming, Dawson.
Doorkeeper,	Henry Madison, Jefferson.
Doorkeeper,	Cain Conners, Rosebud.
Watchman,	C. W. Tice, Meagher.
Watchman,	Oscar Odenwall, Teton.
Watchman,	Gus Rafalavich, Deer Lodge.
Page,	Alva Lamb, Sweet Grass.
Page,	Robt. Fredericks, Missoula.
Page,	Brownie Burke, Lewis and Clark.
Janitor,	C. M. Sherman, Fergus.
Janitor,	James Crump, Lewis and Clark.
Com. Clerks,	Mrs. L. Harkness, Lewis and Clark.
Com. Clerks,	Miss Agnes Shay, Sweet Grass.
Com. Clerks,	Mrs. Grace Catlin, Missoula.
Com. Clerks,	Mrs. C. Potter, Lewis and Clark.
Telephone Messenger,	Alex McCauley, Silver Bow.
Private Sec'y. Lieut. Governor,	Perry B. Goodwin.

Respectfully,

NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, January 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that:

The Senate has this day appointed a committee of three consisting of Senator Edwards, Selway and Cockrell, to notify the House that the Senate was duly organized and ready for business.

Respectfully,

NATHAN GODFREY,
Secretary of the Senate.

NOTICE OF BILLS.

By Woody: A bill providing for a Commission Plan for Government of Cities.

By Crouch: A bill to district the State of Montana into separate Congressional Districts.

By Whaley: A bill to Amend Section 6364, Revised Codes of Montana of 1907, relating to the empanelling of Grand Juries.

By Bell: A bill to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number thereof.

By McNally: A bill to establish a State Hospital in some suitable location for the treatment of incipient pulmonary tuberculosis, and making an appropriation therefor.

By Alley: A bill to permit Railroad Companies to carry free, or at reduced rates persons and property in certain cases.

By Blake: A bill to provide for and fix the salary and compensation of Deputy Assessors and Deputy Treasurers in the several counties of the State of Montana.

By Byrnes: A bill to provide for party nominations by direct vote.

By Moore of Valley Co.: A bill creating a new Judicial District in Valley County.

The Speaker called for report of select committees, and on motion of Hayes the following report was adopted:

Mr. Speaker:

We, your Committee appointed to act with a like Committee from the Senate in regard to the selection of a Postmaster and Assistant Postmaster, beg leave to report the selection of J. Fleming of Rosebud County as Postmaster, and George Myers of Fergus County, Assistant Postmaster.

Respectfully submitted,

HAYES, Chairman.

On motion of Byrnes of Lewis and Clark, Johnson, Eliel, Hickey and Reser were sworn in by the Speaker pending receipt of their certificates of election.

On motion of Word, the Speaker appointed the following committee, consisting of Word, Murray and Wheeler of Silver Bow, to notify the Senate to join the House to hear the message of the Governor.

JOINT SESSION.

At 11:15 A. M. the Honorable Senate appeared at the door of the House, and was duly introduced and received. The joint assembly was presided over by the Lieutenant Governor.

The Secretary of the Senate called the roll of the Senate and the Chief Clerk of the House called the roll of the House and announced that a quorum was present.

The Chair appointed Senator George, Representative Woody, and Representative Grubb as a committee to notify the Governor that the Joint Assembly was in session.

Governor Norris was escorted to the platform, and introduced to the Assembly, and proceeded to deliver his Message to the Joint Assembly.

Motion by Senator George that the Joint Assembly tender a vote of thanks to His Excellency, the Governor, for his message. Motion prevailed unanimously.

On motion of Senator Donlan the Joint Assembly was dissolved and the Senate retired from the Body of the House.

HOUSE RESUMED.

Roll called by Chief Clerk, and all members present except Terrett.

On motion by Eliel the House adjourned to 10:30 A. M. tomorrow, January 4th inst, at 12:30 P. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAE, Chief Clerk.

Third Day.

Wednesday, January 4, 1911.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll call and all members found present except Terrett.

Minutes of previous day read and approved.

The following communications from the Governor were received and read:

Executive Office, Helena, Montana, January 4, 1911.

To the Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

I transmit herewith a certified copy of a joint resolution of Congress, passed March 15, 1909, together with a letter of the Secretary of State and a form of resolution for ratifying the proposed amendment to the Constitution of the United States. Your action on the resolution should be communicated to the Secretary of State.

Some objections have been made to the adoption of the amendment on the ground that the words "from whatever source derived" permit the levy of a tax on incomes received from State, county and municipal indebtedness and therefore make it possible to indirectly tax a State, county or municipality. There are others who insist that a tax upon incomes should be a source of revenue to the States and that an income tax should be levied only by the States.

In my judgment these objections have not sufficient merit to warrant you in refusing to ratify the amendment. In the first place, I think the national government can be safely trusted not to abuse its taxing powers; and in the second place, the government should in no wise be restricted in its ability to protect itself in times of grave emergency.

I recommend the ratification of the amendment.

EDWIN L. NORRIS, Governor.

DEPARTMENT OF STATE,
WASHINGTON.

July 26, 1909.

His Excellency the Governor of the State of Montana.

Sir—I have the honor to enclose a certified copy of a Resolution of Congress, entitled "Joint Resolution Proposing an amendment to the Constitution of the United States," with the request that you cause the same to be submitted to the Legislature of your State for such action as may be had, and that a certified copy of such action be communicated to the Secretary of State, as required by Section 205, Revised Statutes of the United States. (See overleaf).

An acknowledgment of the receipt of this communication is requested.

I have the honor to be, Sir,

Your obedient servant,

P. C. KNOX.

Sec. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of States shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.—Revised Statutes, 1878.

No. 1130.

UNITED STATES OF AMERICA.
DEPARTMENT OF STATE.

To All To Whom These Presents Shall Come, Greeting:

I Certify That the copy hereto attached is a true copy of a resolution of Congress, entitled "Joint Resolution Proposing an Amendment to the Constitution of the United States," the original of which is on file in this Department.

IN TESTIMONY WHEREOF, I, P. C. Knox, Secretary of State, have hereunto caused the Seal of the Department of State to be affixed, and my name to be subscribed by the Chief of the Bureau of Citizenship of the said Department, at the City of Washington, this 27th day of July, 1909.

P. C. KNOX, Secretary of State.

By R. W. Flourway, Jr., Chief, Bureau of Citizenship.

S. J. Res. 40.

SIXTY-FIRST CONGRESS OF THE UNITED STATES OF AMERICA.
AT THE FIRST SESSION.

Begun and held at the City of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

JOINT RESOLUTION.

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportion-

ment among the several States, and without regard to any census or enumeration."

J. G. CANNON,
Speaker of the House of Representatives.
J. S. SHERMAN,
Vice-President of the United States and President of the Senate.
Attest: A. McDOWELL, Clerk of the House of Representatives.
CHARLES G. BENNETT, Secretary.
By HENRY H. GILFRY, Chief Clerk.
I certify that this Joint Resolution originated in the Senate.
CHARLES G. BENNETT, Secretary.
By HENRY H. GILFRY, Chief Clerk.

A JOINT RESOLUTION RATIFYING THE SIXTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Whereas, both houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution, namely, Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

Therefore, be it resolved by the Senate and House of Representatives of the State of Montana, That the said proposed amendment to the Constitution of the United States of America be, and he same is hereby, ratified by the general assembly of the State of Montana.

And, further be it resolved, That certified copies of this joint resolution be forwarded by the Governor of this state to the Secretary of State at Washington and to the presiding officers of each house of the national Congress.

Executive Office, Helena, Montana, January 4, 1911.

To the Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

Herewith is presented the report of the State Board of Examiners, acting as a Capitol Commission, setting forth its actions in the matter of the construction of the wings of the Capitol since the last report made to the Extraordinary Session of the Eleventh Assembly.

The work has not progressed as rapidly as was desired, because of delay in shipment of machinery used by the granite contractors and some loss of time occasioned by a strike of the granite cutters. Upon the whole, however, when all of the circumstances are taken into account, fair progress has been made and it now seems assured that the wings may be occupied in the month of January of next year.

The materials used and the work performed have in every way been satisfactory and according to the plans, specifications and contract.

In awarding the contract provision was made for the purchase of furniture and fixtures necessary for reasonable future needs. No account was taken of any extensive decorative features. Personally I should be pleased to see provision made for some additional decorations executed by Montana artists, if the same can be secured at a reasonable outlay.

A considerable portion of the $150,000 available to secure Montana granite will not be used, and a part of such sum be used for decorative purposes if you so direct.

The Board will be pleased to execute any instructions you may give in the premises.

EDWIN L. NORRIS, Governor.

The Chief Clerk then read the Report of the State Board of Examiners as a Capitol Building Commission to the Governor and Twelfth Legislative Assembly.

Executive Office, Helena, Montana, January 4, 1911.

To the Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

In compliance with the provisions of the Constitution, I have the honor to submit the following report of pardons, diminutions of sentence and communitations granted since the last session of the Legislative Assembly:

BY THE GOVERNOR.

AMOS ROBINS.

On July 3, 1909, a remission of sentence was granted to Amos Robins, who was convicted in Rosebud county of the crime of robbery and sentenced to two years and six months in State's prison. The remission was based upon the recommendation of the prison physician and personal investigation by members of the State Board of Prison Commissioners. Robins was suffering from tuberculosis in an advanced stage, and it was feared that the disease might be communicated to other prisoners. Robins' sentence was reduced to two years.

JOHN GOWANS.

On November 27, 1909, a pardon was granted to John Gowans, who was convicted in Fergus county of the crime of murder in the second degree and sentenced to twenty-five years in State's prison. Gowans had served nearly nine years of this term, and taking into consideration the circumstances surrounding the case, together with the fact that

his petition for pardon was endorsed by the County Attorney who prosecuted and was not opposed by the Judge who sentenced him, the extension of executive clemency seemed but just.

JAMES OVERTON.

On April 7, 1910, a remission of sentence was granted to James Overton, convicted of the crime of assault in the third degree in Dawson county on November 30, 1909, and sentenced to six months in the county jail and to pay a fine of five hundred dollars. Overton had served more than four months of his term. It was represented that he was a man of good reputation in his community, and his pardon was recommended by the County Attorney and Sheriff and other prominent citizens of Dawson county.

JAMES MURRAY.

On August 9, 1910, a pardon was granted ot James Murray, convicted of the crime of assault in the first degree in Silver Bow county and committed to State's prison May 24, 1906, for the term of ten years. From my investigation of the case it was apparent that there was strong probability that Murray was innocent of the crime of which he was convicted; that it was a case of mistaken identity. Murray's pardon was conditioned upon his forever abstaining from the use of intoxicants.

HARRY CADIGAN.

On September 9, 1910, a pardon was granted to Harry Cadigan, who on August 22, 1910, pleaded guilty before a Justice of the Peace in Teton county to the charge of disturbing the peace. Cadigan was sentenced to serve sixty days in the county jail and to pay a fine of fifty dolars. At the time, Cadigan was informed that if he would pay the fine the jail sentence would be suspended. The money could not then be secured and the jail sentence went into effect. Cadigan's wife appealed to me for a pardon for her husband, after having secured the money with which to pay the fine. This course was recommended by the County Attorney and the Justice who imposed the sentence, and the pardon was granted, conditioned upon the payment of the fine.

BY THE ACTING GOVERNOR.

H. J. KEELEY.

On April 21, 1909, Honorable W. R. Allen, Acting Governor, granted a parden to H. J. Keeley, who was on March 7, 1909, convicted in Sanders county on the charge of involuntary manslaughter, in connection with a wreck on the Northern Pacific railway. Keeley was sentenced to eight months in State's prison, and had served three months in the county jail while awaiting trial. The petition for pardon was signed by all of the jurors who tried the case, was approved by the District Judge, and was signed by many county officials of Sanders and Missoula counties.

FRANK CARPENTER.

On July 21, 1910, Acing Governor Allen granted a commutation of sentence to Frank Carpenter, who was sentenced to State's prison for a term of fifty years, for murder in the second degree in Deer Lodge county. Carpenter and John Berberick were originally convicted of the

crime and each was sentenced to fifty years in prison. Berberick appealed, secured a new trial, and upon conviction was sentenced to ten years in prison. Carpenter did not appeal. Acting Governor Allen, who was quite familiar with the facts connected with the case, granted a commutation of sentence to ten years, the term to which Berberick was sentenced.

EDWIN L. NORRIS, Governor.

Senate Chamber, January 3, 1911.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following notice of introduction of bills were given as follows:

By Meyer: A bill for an Act entitled, "An Act to regulate the granting of new trials, and the reversal and setting aside of judgments in criminal causes."

By George: A bill for an Act entitled, "An Act to provide for appointment of membership and representation of the several counties of Montana in the Legislative Assembly of Montana and to fix the number of members thereof."

By Everett: A bill for an Act entitled, "An Act providing for primary elections and election of United States Senator."

Notices of introduction of resolutions were given.

By Meyer: A senate joint resolution relative to the election of United States Senators by popular vote.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana. January 3, 1911.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following notice of introduction of bills were given as follows:

By Meyer: A bill for an Act entitled, "An Act to regulate the granting of new trials, and the reversal and setting aside of judgments in criminal causes."

By George: A Bill for an Act entitled, "An Act to provide for appointment of membership and representation of the several counties of Montana in the Legislative Assembly of Montana and to fix the number of members thereof."

By Everett: A Bill for an Act entitled, "An Act providing for primary elections and election of United States Senator."

Notices of introduction of resolutions were given.

By Meyer: A senate joint resolution relative to the election of United States Senators by popular vote.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 3, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that:

The following bills have been introduced, read first and second time and referred:

By George, Senate Bill No. 1: A bill for an act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana, and to fix the number of members thereof.

Referred to Committee on Apportionment and Representation.

By Everettt, Senate Bill No. 2: A bill for an act to provide for the holding of primary elections by political parties.

Referred to Committee on Elections.

By Meyer, Senate Bill No. 3: A bill for an Act entitled, An Act to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes.

Referred to Judiciary Committee.

By Meyer, Senate Joint Resolution No. 1: Joint Resolution relative to election of United States Senators by popular vote.

Referred to Committee on Federal Relations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

NOTICE OF BILLS.

The following notices were given:

By Gillis: A Joint Resolution respecting the care of the State's Insane, and provision of an Institution therefor, without previous notice.

By Byrnes: A Bill for an Act entitled, "An Act to provide for the appointment and prescribing the duties of School Physicians."

By Woody: A Bill for an Act entitled, "An Act to provide for the Taxation of Mortgages."

By McMurray: A Bill for an Act entitled, "An Act appropriating money for the Eradication of Orchard Pests and Diseases from Orchards in the State of Montana."

By Tolman: A Bill entitled, "An Act providing for the re-recording of every brand or mark upon Horses, Cattle, or other Livestock, and regulating the making of such record, and fixing the fees therefor, and repealing all Acts and parts of Acts inconsistent with the provisions of this Act.

By Berry: A Bill amending Section 6825, Chapter I, Part II, Title IX of the Code of Civil Procedure, referring to the exemption of the earnings of Judgment Debtors.

By Herbold: A Bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes of the State of Montana, relating to Bounties for killing Wolves, Coyotes and Mountain Lions, and making provision for the creation of a fund for the payment of such Bounties."

By McNally: A Bill for an Act in aid of the disability fund of fire

departments in incorporated cities for the relief of sick, injured and retired firemen, and the pensioning of the widows and orphans of deceased firemen, and appropriating to said fund certain portions of the license derived by the State from Fire Insurance Companies doing business within this State."

By Kirschwing: A Bill for an Act for a Seed Grain Law.

By Donohue: A Bill providing for the creation and establishment of the County of Wibaux.

By Word: A Bill for an Act to authorize the State of Montana to become indebted in excess of one hundred thousand dollars, and to provide for the issuance and sale of bonds in the name of the State for the purpose of procuring funds for improving the State Fair Grounds.

By Eliel: A Bill for an Act entitled, "An Act to authorize the appointment of one or more Commissioners for the Admeasurement and Division of Water, under a Decree of Court in certain cases, and prescribing his or their duties and compensation."

By Murray: A Bill for an Act entitled, "An Act making it unlawful for any person owning or having charge of sheep to herd the same or permit them to be herded on the land, or possessory claims of other persons, or within two miles of the dwelling of the owner or owners of such possessory claims, and providing penalties for violation thereof."

By Bell: A Bill for an Act permitting and authorizing any Corporation to file amended Articles of Incorporation, and validating amended Articles of Incorporation heretofore filed.

By Bell: A Bill entitled, "An Act to amend Section 43 and to repeal Sections 45 and 36, Chapter II, Title I, Part II, of the Political Code of the Revised Codes of Montana of 1897, relating to Representation."

By Law: A Bill for an Act entitled, "An Act to provide for the designation of Temporary County Seats, and for the location of Permanent County Seats in new Counties, or in Counties in which the permanent County Seat has not been located."

By Wheeler of Silver Bow: A Bill for an Act to regulate assignments of present and future wages, and to provide means for the regulation thereof, and penalties for the violation of this Act, as well as penalties to prevent the Grabbing of Wages, and to provide fees of Notaries Public and other officers authorized to administer oaths, and of County Clerks and Recorders herein.

By Wheeler of Silver Bow: A Bill for an Act to regulate the sale of Prison made goods within the State of Montana, and to provide means for the regulation thereof, and penalties for the violation of this Act.

By O'Flynn: A Bill to regulate the rate of Interest which shall be charged for loans of money.

Woody, of Missoula, obtained the unanimous consent of the House to introduce three bills without previous notice.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Byrnes: H. B. No. 1. A Bill for an Act entitled, "An Act to provide for Party Nominations by Direct Vote."

By Woody: H. B. No. 2. A Bill for an Act entitled, "An Act to appropriate money for the payment of Mileage and Per Diem of the Members of the Twelfth Legislative Assembly of the State of Montana."

By Woody: H. B. No. 3. A Bill for an Act to appropriate money for the payment of the Per Diem of the Officers and Attaches of the Twelfth Legislative Assembly of the State of Montana.

By Woody: H. B. No. 4. A Bill for an Act entitled, "An Act making an appropriation of money for the incidental expenses of the Twelfth Legislative Assembly of the State of Montana."

By Alley: H. B. No. 5. A Bill for an Act entitled, "An Act to permit Railroad Companies to carry free, or at reduced rates, persons and property in certain cases."

By Whaley: H. B. No. 6. A Bill for an Act to amend Section 6364, Revised Codes of Montana of 1907, relating to the empanelling of Grand Juries.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 1, read first and second times by title only, and referred to Committee on Privileges and Election.

H. B. No. 2, read first and second times at length, and referred to Committee on Appropriations.

H. B. No. 3, read first and second times at length, and referred to the Committee on Appropriations.

H. B. No. 4, read first and second times at length, and referred to the Committee on Appropriations.

H. B. No. 5, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 6, read first and second times by title only, and referred to Committee on Judiciary.

Duffy of Silver Bow asked unanimous consent to introduce the following Joint Resolution, without previous notice, and the same was unanimously granted:

RESOLVED, that the Speaker appoint a committee of five members to act in conjunction with a like committee to be appointed by the Senate for the purpose of investigating and ascertaining the conditions generally prevailing in the metalliferous mines of Montana, and particularly at Butte, with especial reference to the sanitation and ventilation thereof, and the use of all practicable and necessary safety appliances and devices therein.

That said Committee be authorized and empowered to employ such experts as may be necessary in said investigation.

That upon the completion of such investigation, said Committee make report to this House of its findings hereunder, together with such recommendations as it may deem necessary.

The Speaker referred said resolution to the Committee on Mines and Mining, hereafter to be appointed; thereupon Duffy of Silver Bow

asked unanimous consent to withdraw said joint resolution, which was granted.

Thereupon Duffy of Silver Bow moved the following:

That the Speaker appoint a Committee of five members for the purpose of investigating and ascertaining the conditions generally prevailing in the Metalliferous mines of Montana, and particularly at Butte, with special reference to the sanitation and ventilation thereof, and the use of all practicable and necessary safety appliances and devices therein.

That said Committee be authorized and empowered to employ such experts as may be necessary in said investigation.

That upon the completion of such investigation, said Committee make report to this House of its findings hereunder, together with such recommendations as it may deem necessary.

On motion of Duffy, of Granite, the foregoing motion was made a special order of business at 2 P. M.

On motion of Byrnes, the Chief Clerk of the House was empowered to employ a stenographer for the work of his office.

On motion of Whaley, of Broadwater, the Speaker appointed the following Committee to segregate the Governor's message:

Dobell, Law, O'Hern, Ralston and Jacobson.

On motion of Baker, it was ordered that 500 copies of the Governor's message be printed, and in addition thereto 250 copies be printed in bound form for use in the Executive Office and the House of Representatives.

Mr. Speaker announced the appointment of the following standing committees:

Mileage and Per Diem: Kirschwing, Wheeler of Silver Bow, Berry, Ebert, Reel, Roberts, Tolman, Slayton, Nelson.

Appropriations: Blackburn, Owenhouse, Nolan, Macdonald, Tuttle. Woody, Kammerer, Byrnes, Berry, Paul, Eliel.

Rules, Joint Rules and Order of Business: Hayes, Gillis, Macdonald, Hewett.

On motion by Whaley, the House took a recess at 12:15 P. M. to meet at 2 P. M.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the Chair.

The hour having arrived for the consideration of the Special Order, the same was taken under consideration and on motion of Duffy of Granite the same was adopted.

REPORTS OF STANDING COMMITTEES.

Blackburn, from the committee on Appropriations, reported as follows.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 2. a Bill for an Act entitled, "An Act to appropriate money for the payment of mileage and per diem of the members of the Twelfth Legis-

lative Assembly of the State of Montana," having had the same under consideration, recommend that the same do pass.

Report adopted.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 3, a Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana," having had the same under consideration, recommend that it do pass.

Report adopted.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 4, a Bill for an Act entitled, "An Act appropriating money for the incidental expenses of the Twelfth Legislative Assembly of the State of Montana," having had the same under consideration, recommend that it do pass.

Report adopted.

The Speaker appointed Baker, of Lewis and Clark, to take charge of all printing until such time as the Printing Committee would be named.

The Speaker appointed the following members: Duffy of Silver Bow, Byrnes, Duffy of Granite, Story and Hewett, as a committee to investigate and report to the House such findings and recommendations as it might deem necessary in accordance with resolution presented by Duffy of Silver Bow.

Nolan moved that this Committee act in conjunction with any committee that may be appointed by the Senate for a like purpose. Carried.

On motion of Gillis, the Speaker apointed J. M. Duffy as Telephone boy.

Nolan, of Lewis and Clark, moved that a Committee of three be appointed to advise the Senate of the action of the House in having appointed a committee of investigation regarding conditions prevailing in the metalliferous mines of Montana, and requesting that if a like committee was appointed by the Senate for the same purpose that they be requested to act in conjunction with the House Committee.

The Speaker appointed Nolan, Holt, and Grubb, as such committee.

Joseph Merzlock, of Lewis and Clark, was elected additional janitor of the House, on motion of Nolan.

The House referred back to the second order of business.

NOTICE OF BILLS.

By O'Hern: A Bill entitled, "An Act to establish a Sub-Experimental Station in Missoula County, Montana, and providing for the acquisition or acceptance of title to the land for the same, and the direction thereof, and appropriating money therefor."

By Byrnes: A Bill for an Act entitled, "An Act to provide for the issue and sale by the State Board of Examiners of Bonds for the purpose of acquiring additional lands, for use as Capitol Grounds, in the City of Helena, Montana."

By Binnard: A Bill governing the duties of abstractors, and providing for an indemnity bond to be given.

By Moore of Silver Bow: A Bill for an Act entitled, "An Act to provide for the payment of employees semi-monthly, and to prevent the assignment of wages by an employee to defeat the purposes of this Act, and providing a penalty for the violation hereof.

By Swick: A Bill to amend Section 8788 of the Revised Codes of 1907, relating to the killing of water fowl.

By O'Flynn: A Bill for an Act amending Section 2692, Revised Codes of Montana of 1907, making persons over 21 years of age, and under 45 years, liable to poll tax.

By Johnson of Ravalli: A Bill for an Act entitled, "An Act to prohibit in Montana, the sale or giving away of cigarettes and cigarette material.

By Byrnes: A Resolution providing for supplying the Legislature Reference Bureau with copies of all Bills and Resolutions printed by the House.

Baker moved that when the House adjourns on Friday, January 6th, that it adjourn at 12 o'clock Noon, to reconvene on Monday, January 9th at 2 o'clock P. M. Carried.

On motion of Whaley the House referred back to the second order of business, and thereupon gave notice that he would introduce a Joint Resolution ratifying the Sixteenth Amendment to the Constitution of the United States.

On motion of Whaley the House took a recess until 3 P. M.

House resumed at 3:40 P. M.

Mr Speaker in the Chair.

Baker, Chaiman of the Committee on Printing, reported the following:

Mr. Speaker: Your Committee on Printing, to whom was referred House Bills Nos. 2, 3 and 4, beg leave to report same as correctly printed. Report adopted and Bills referred to general file.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Woody of Missoula in the Chair.

House resumed.

Mr. Speaker in the Chair.

Woody of Missoula from the Committee of the Whole, reported as follows:

Your Committee of the Whole, having had under consideration House Bill Nos. 2, 3 and 4, introduced by Woody, reports same back to the House with the recommendation that they do pass. On Motion of Woody the report was adopted.

On motion of Whaley rules were suspended and House Bills 2, 3 and 4 were considered as correctly engrossed and placed on file for third reading.

House Bill No. 2 was read the third time and passed by the following vote:

Ayes: Alley, Ashbridge, Baker, Bell, Bernard, Binnard, Black-

burn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word, Mr. Speaker—65.

Noes: None.

Absent and not voting: Berry, Crouch, Duffy of Granite, Duffy of Silver Bow, Hayes, Holt, Nelson, Terrett and Vaughn—9.

Title agreed to.

House Bill No. 3 having been read three several times was passed by the following vote:

Ayes: Alley, Ashbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word, Mr. Speaker—65.

Noes: None.

Absent and not voting: Berry, Crouch, Duffy of Granite, Duffy of Silver Bow, Hayes, Holt, Nelson, Terrett and Vaughn—9.

Title agreed to.

House Bill No. 4 having been read three several times was passed by the following vote:

Ayes: Alley, Ashbridge, Baker, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Williams, Woody and Mr. Speaker—62.

Noes: Wheeler of Silver Bow and Word—2.

Absent and not voting: Berry, Crouch, Duffy of Granite, and Duffy of Silver Bow, Hayes, Holt, Nelson, Terrett, Vaughn and Wheeler of Cascade—10.

Title agreed to.

Whaley moved that when the House adjourns it adjourns until 2 P. M. tomorrow.

Motion carried.

On motion, Francis Tonery was appointed page to the Assistant

Postmaster, and Kenneth Johnson was appointed page to the Assistant Sergeant at Arms.

Under authority, authorized by the House, Mr. Speaker notified the House that he had appointed Miss Maud Miller on the first day of the Session as his stenographer.

Under authority, authorized by the House, the Chief Clerk notified the House that he had appointed Miss Minnie S. Bowers on the second day of the session as his stenographer.

On motion of Binnard the House adjourned at 4:20 P. M. to meet tomorrow at 2 P. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAE, Chief Clerk.

Fourth Day.

Thursday, January 5, 1911.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll called, all present except Burt, Duffy of Granite, Duffy of Silver Bow, Hewett and Story; Terrett absent.

Minutes of previous session read and approved.

The following communications were received and read:

Senate Chamber, Helena, Montana, January 4, 1911.

I am directed by the Senate to inform your Honorable Body, that the following notices of Introduction of Bills were given as follows:

By Sykes: A Bill for an Act entitled, "An Act to amend Section 43 and to Repeal Sections 45 and 46, Chapter 2, Title I, Part 2, of the Political Code of the Revised Codes of Montana of 1897, relating to representation."

By Donlan: A Bill for an Act entitled, "An Act classifying persons who shall be permitted to use free transportation in the State of Montana and prescribing the conditions in respect thereto."

By Donlan: A Bill for an Act entitled, "An Act to amend Section 1147 of the Revised Codes of 1907, to add an additional section to be 1147a of the Revised Codes of 1907 relating to the examination and commitment of insane persons and providing for their maintenance."

By Donlan: A Bill for an Act entitled, "An Act to provide for the issuance of State licenses for automobiles used and operated in the State of Montana, prescribing the fees therefor and providing penalties for the operation of automobiles without first procuring such licenses and providing for the use of moneys collected for such licenses."

By Burlingame: A Bill entitled, "An Act to regulate the sale of goods, wares and merchandise within the State of Montana, known as prison made goods."

By Larson: A Bill for an Act entitled, "An Act to amend Section 3003 and Section 3257, of the Revised Codes of Montana, relating to the Deposit and Control of Public Money in the possession of County and City or Town Treasurers, and to provide for the payment of Interest on Deposits of Public Money, and for the furnishing of Official Bonds by such Officers."

By McCone: A Bill for an Act entitled, "An Act to constitute the State Auditor general Recorder of brands and marks ex officio, providing for the collection and disbursement of money derived from the recording of Brands and Marks, from the sale of estrays and from donations made to the State Board of Stock Commissioners."

By McCone: A Bill for an Act entitled, "An Act to amend Sections 2240, 2241, 2242, 2244, 2248 and 2249, Revised Codes of 1907, relating to the Carey Land Act Board, and to provide for an Assistant Secretary of said Board."

By Christopher: A Bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector."

By Duncan: A Bill for an Act amending Sections 4872 and 4873 of the Revised Codes of Montana, 1907, relating to the Appropriation of Water and providing the manner in which water may be appropriated and a right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines."

By Duncan: A Bill for an Act to amend Sections 3178 and 3180 of the Revised Codes of Montana, 1907, relating to the per diem and mileage of Jurors in Courts of Record.

By Whiteside: A Bill for an Act entitled, "An Act to appropriate money for the construction of a water system and other improvements at the State Soldiers Home."

By Whiteside: A Bill for an Act entitled, "An Act to provide for the construction of an exhibit hall for horticultural products at the Montana State Fair."

By Whiteside: A Bill for an Act entitled, "An Act to appropriate money to pay the cost of farmers' institute work in the State of Montana."

By Cockerell: A Bill for an Act entitled, "An Act to amend section 5332 of the Revised Codes of the State of Montana of 1907, relating to Common Carriers."

By Whiteside: A Bill for an Act entitled, "An Act to appropriate money for the purpose of measuring and recording the flow of water in the streams of Montana."

By Whiteside: A Bill for an Act entitled "An Act to provide for the construction of a biological station for the use of the "State University."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Motana, January 5, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following notices of introduction of bills were this day given.

By Cockrell: A Bill for an Act entitled, "An Act to punish Desertion of wife by the husband."

By George: A Bill for an Act entitled, "An Act relating to Banking and Trust Deposits and Security Companies and creating a depositors guaranty fund."

By Christopher: A Bill for an Act to amend Section 288 of the Revised Codes of 1907, concerning Free Public Employment Offices in Cities.

By Donlan: A Bill for an Act to provide for the payment of the expenses of District Judges, incurred on account of holding court in counties other than the counties where they reside.

By Edwards: A Bill for an Act to provide for a uniform system of municipal accounts.

By Edwards: A Bill for an Act to regulate and prohibit the issuance or acceptance of free transportation by common carriers.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, January 5, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: House Bills Nos. 2, 3 and 4, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

NOTICE OF BILLS.

By Binnard: A Bill for an Act entitled, "An Act to provide for party nominations by direct vote."

By Macdonald: A Bill for an Act entitled, "An Act to regulate the sale and prescription of certain narcotic drugs, providing a penalty for the violation thereof, and repealing all Acts and parts of Acts in conflict therewith."

By Whaley: A Bill to regulate the sale of articles and commodities sold within the State of Montana, and to provide that said articles, commodities and merchandise sold in packages, shall be stamped with the net weight thereon.

By Williams: A Bill for an Act to amend Section 901 of the Revised Codes of the State of Montana relative to the certificate of qualifications of teachers in the public schools of the State of Montana.

By Bell: A Bill for an Act to amend Section 3889 of the Revised Codes of Montana, relating to the powers of corporations, and authorizing the creation and issuance of preferred stock, even though not pro-

vided for in the original or amended Articles of Incorporation of any Company.

By Bell: A bill for an Act to provide an additional Judge for the Thirteenth Judicial District of the State of Montana, so that there will be two Judges in said District.

By Holter: A Bill for an Act to provide for the organization and government of municipal corporation of cities of the first and second class within the State of Montana.

By Martin: A Bill for an Act entitled, "An Act to repeal Sections 1347 and 1351 of the Revised Codes."

By Martin: A Bill for an Act entitled, "An Act to amend Section 8312 of the Revised Codes."

By Martin: A Bill for an Act entitled, "An Act to define and punish the offense of abandonment of family."

By Blake: A Bill for an Act to amend Sections 3003 and 3257 of the Revised Codes of Montana, relating to the deposits and control of public money in the possession of the County and City Treasurers, and to provide for the payment of interest on deposit of public money, and for the furnishing of official bonds by such officers.

By Donohue: A Bill for an Act entitled, "An Act relating to the State Militia, providing for the organization, regulation, maintenance, and discipline of the National Guard of Montana, and to define certain offenses, and to prescribe penalties therefor, and to repeal Sections 1045 to 1110, inclusive, of the Revised Codes of Montana of 1907, and all acts and parts of acts in conflict herewith."

By Donohue: A Bill entitled, An Act providing for one stenographer and one page for each member of the House of Representatives, and appropriating money to pay for them, and prescribing their duties.

By Kirschwing: A Bill for an Act to change the name of the Reform School to that of The State Industrial School.

By Blackburn: A Bill for an Act entitled, "An Act to provide for the government of certain cities, and the adoption thereof by special election additional to Part IV, Title III, Revised Codes of the State of Montana."

By Nolan: A Bill for an Act empowering the board of directors of the Montana State Fair to acquire certain lands for the use of the State Fair, and appropriating money for the acquisition thereof.

By Moore of Valley: A Bill for an Act entitled, "An Act to create the County of Lake, define its boundaries, and provide for its organization and government."

By Tolman: A Bill for an Act entitled, "An Act providing for a special tax levy on live stock, for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and prescribing the methods thereof."

By Tolman: A Bill for an Act entitled, "An Act to provide for the inspection of oils, the appointment and compensation of inspectors, and for other purposes."

By Tolman: A Bill for an Act entitled, "An Act regulating the speed of trains carrying livestock."

By Tolman: A Bill for an Act entitled, "An Act relating to the transportation of freight by railroads, and to the delivery and transportation of cars, and to the loading and unloading of cars by shippers."

By Baker: A Bill attaching a penalty for the violation of the State Printing Law, requiring that all State Printing shall be done within the State of Montana.

By Ashbridge: A Bill for an Act entitled, "An Act to provide compensation to owners of livestock destroyed by orders of the State Sanitary Board."

By Gillis: A Bill entitled, "A Bill for an Act to amend Section 3327 of the Revised Codes of the State of Montana, relating to the establishment of Fire Departments."

REPORTS OF STANDING COMMITTEES.

Kirschwing from the Committee on Mileage and Per Diem, reported as follows:

Mr. Speaker:

We your committee on Mileage and Per Diem, beg leave to report as follows:

We find the members of the House of Representatives are entitled to Mileage as follows:

	Miles.	Amount.
Beaverhead—		
Frank Eliel, Dillon	144	$28.80
T. J. Murray, Wisdom	229	45.80
Broadwater—		
Samuel D. Crouch, Three Forks	75	15.00
W. C. Whaley, Townsend	38	7.60
Carbon—		
John N. Tolman, Red Lodge	280	56.00
Cascade—		
John Hayes, Great Falls	100	20.00
R. K. Holt, Great Falls	100	20.00
J. W. Roberts, Great Falls	100	20.00
Joseph Kirschwing, Great Falls	100	20.00
E. A. Wheeler, Belt	126	25.20
Chouteau—		
A. H. Reser, Chinook	252	50.40
Henry F. Schwartz, Gildford	258	51.60
Custer—		
W. D. Terrett, Miles City	362	72.40
George W. Burt, Ishmay	437	87.40
Dawson—		
D. J. Donohue, Glendive	466	93.20
Deer Lodge—		
C. L. Swick, Aanconda	103	20.60
W. A. Ralston, Fish Trap	130	26.00
H. W. Rodgers, Anaconda	103	20.60
Harold Blake, Anaconda	103	20.60

Henry Williams, Anaconda	103	20.60
G. B. English, Anaconda	103	20.60
Fergus—		
Joseph L. Ashbridge, Lewistown	243	48.60
D. W. Slayton, Lavina	191	38.20
Flathead—		
Dr. A. D. Macdonald, Kalispell	365	73.00
G. H. Grubb, Kalispell	365	73.00
F. L. Gray, Polson	400	80.00
Gallatin—		
E. J. Owenhouse, Bozeman	98	19.60
B. B. Law, Bozeman	98	19.60
Nelson Story, Jr., Bozeman	98	19.60
Granite—		
James C. Duffy, Southern Cross	116	23.20
John Hickey, Philipsburg	114	22.80
Jefferson—		
S. V. Tuttle, Boulder	35	7.00
M. L. Hewett, Basin	43	8.60
F. E. Nelson, Whitehall	112	22.40
Lewis and Clark—		
Owen Byrnes, Bald Butte	11	2.20
John Baker, Helena	1	.20
C. B. Nolan, Helena	1	.20
Tom A. Johnson, Helena	1	.20
R. Lee Word, Helena	1	.20
James Lissner, Helena	1	.20
Albert L. Holter, Helena	1	.20
Lincoln—		
P. N. Bernard, Eureka	431	86.20
Madison—		
Charles Kamerer, Ruby	154	30.80
W. A. Reel, Norris	117	23.40
Dr. Arthur Jordan, Twin Bridges	135	27.00
Meagher—		
I. S. McQuitty, Harlowtown	151	30.20
Theodore Sarter, White Sulphur Springs	113	22.60
Missoula—		
Frank Woody, Missoula	125	25.00
W. W. Berry, Missoula	125	25.00
Daniel L. O'Hern, Missoula	125	25.00
Donald Higgins, Missoula	125	25.00
Park—		
Samuel O. N. C. Brady, Livingston	123	24.60
Napoleon Ebert, Livingston	127	25.40
Powell—		
W. J. Paul, Deer Lodge	65	13.00

Ravalli—		
W. E. McMurry, Hamilton	175	35.00
George W. Johnston, Stevensville	152	30.40
Rosebud—		
F. D. Herbold, Sumatra	267	53.40
Sanders—		
Harry Vaughn, Trout Creek	261	52.20
Silver Bow—		
J. E. McNally, Butte	75	15.00
Dr. G. E. Blackburn, Butte	75	15.00
B. K. Wheeler, Butte	75	15.00
P. C. Gillis, Butte	75	15.00
W. W. McDowell, Butte	75	15.00
Joseph Binnard, Butte	75	15.00
Roy S. Alley, Butte	75	15.00
J. L. Dobell, Butte	75	15.00
P. J. Duffy, Butte	75	15.00
E. F. O'Flynn, Butte	75	15.00
Paddy Moore, Butte	75	15.00
Harry N. Stevens, Butte	75	15.00
Sweet Grass—		
N. L. Martin, Melville	177	35.40
Teton—		
Martin Jacobson, Cut Bank	250	50.00
Valley—		
R. J. Moore, Glasgow	380	76.00
Yellowstone—		
C. S. Bell, Billings	238	47.60

JOSEPH KIRSCHWING, Chairman.

On motion of Kirschwing report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed or file:

By Woody: H. B. No. 7, A Bill for an Act entitled "An Act to provide for the taxation of Mortgages."

By McMurry: H. B. No. 8. A Bill for an Act entitled, "An Act appropriating money for the eradication of orchard pests and diseases of orchards in the State of Montana."

By Johnson of Ravalli: H. B. No. 9. A Bill for an Act entitled, "An Act to prohibit in Montana the sale or giving away of cigarettes and cigarette material."

By Blake: H. B. No. 10. A Bill for an Act to provide for and fix the salary and compensation of deputy assessors, and deputy treasurers in the several counties of the State.

By Tolman: H. B. No. 11. An Act providing for the re-recording of every brand or mark upon horses, cattle, or other livestock and regulating the making of such record, and fixing the fees therefor and repealing all acts and parts of acts inconsistent with the provisions of this Act.

By Law: H. B. No. 12. A Bill for an Act entitled, "An Act to provide for the designation of temporary county seats, and for the location of permanent county seats in new counties, or in counties in which the permanent county seat has not been located."

By McNally: H. B. No. 13. A Bill for an Act in aid of the disability fund of fire departments in incorporated cities for the relief of sick, injured and retired firemen, and the pensioning of the widows and orphans of the deceased firemen, and appropriating to said fund certain portions of the license derived from the State, from the fire insurance companies doing business within the State.

By Bell: H. B. No. 14. An Act to amend Section 43, and to repeal sections 45 and 46, Chapter 2, Titile 1, Part 2, of the Political Code of the Revised Codes of Montana of 1897, relating to representation.

By Bell: H. B. No. 15. An Act permitting and authorizing any corporation to file amended articles of incorporations, and validating amended articles of incorporations heretofore filed.

By Byrnes: H. B. No. 16. A Bill for an Act to provide for the sale by the State Board of Examiners of bonds for the purpose of acquiring additional land for use as State Capitol grounds in the City of Helena, Montana.

By Moore of Valley: H. B. No. 17. A Bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the county of Valley, to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties, compensation and term of office of the Judge of said Judicial District."

By Swick: H. B. No. 18. A Bill for an Act entitled, "An Act to amend Section 3788 of the Revised Codes of 1907, relating to the killing of water fowl."

By Moore of Silver Bow: H. B. No. 19. A Bill for an Act entitled, "An Act to provide for the payment of employes, semi-monthly, and to prevent the assignment of wages by an employee, to defeat the purposes of this Act, and providing a penalty for the violation hereof."

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 7, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 8, read first and second times at length, and referred to Committee on Horticulture.

H. B. No. 9, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 10, read first and second times by title only, and referred to Judiciary Committee.

H. B. No. 11, read first and second times by title only, and referred to Committee on Livestock and Public Ranges.

H. B. No. 12, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 13, read first and second times at length, and referred to Committee on Affairs of Cities.

H. B. No. 14, read first and second times by title only, and referred to Committee on Apportionment and Representation.

H. B. No. 15, read first and second times, by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 16, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 17, read first and second times at length, and referred to Committee on Judiciary.

H. B. No. 18, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 19, read first and second times by title only, and referred to Committee on Labor.

MOTIONS AND RESOLUTIONS.

The following resolutions were introduced and placed on file:

By Gillis: House joint Resolution No. 1.

To investigate and report concerning the advisability of the State of Montana making purchase from Mitchell and Musigbrod, a copartnership, of the building, grounds, lands, and personal property located at Warm Springs, Deer Lodge County, Montana, said property heretofore being, and is now used with the hospital for the care and custody of the State's insane.

By Whaley: House Joint Resolution No. 2.

A Joint Resolution ratifying the Sixteenth Amendment to the Constitution of the United States.

By Nolan: House Joint Memorial No. 1.

Inaugurating a movement for the improvement of Country Life conditions.

READING RESOLUTIONS.

House Joint Resolution No. 1, read first and second times at length and referred to Committee on State Institutions.

House Joint Resolution No. 2, read first and second times at length and referred to Committee on Federal Relations.

House Joint Memorial No. 1, read first and second times at length and referred to Committe on Federal Relations.

The Speaker appointed Whaley by consent of the House to act for the Enrolling Committee for the present until such Committee shall be named.

REPORTS OF STANDING COMMITTEES.

Whaley from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment report the following bills as correctly enrolled this Fifth day of January, 1911:

H. B. No. 2. A Bill for an Act entitled, "An Act to appropriate

money for the payment of mileage and per diem of the members of the Twelfth Legislative Assembly of the State of Montana."

H. B. No. 3. A Bill for an Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana.

H. B. No. 4. A Bill for an Act entitled, "An Act making an appropriation of money for the Incidental Expenses of the Twelfth Legislative Assembly of the State of Montana."

Mr. Speaker announced that he was about to sign House Bills Nos. 2, 3 and 4, and signed the same in the presence of the House.

On motion of Macdonald the Journal Committee to be appointed by Mr. Speaker shall read the Journal of each day's session and report on same to the House on the following morning, and that in future the reading of the Journal by the Clerk be dispensed with.

On motion of McQuitty the following resolution was read and adopted:

RESOLUTION.

WHEREAS, large areas of land are withheld from settlement in Montana under the Carey Land Act; and

WHEREAS, the work upon said projects is at a standstill; Now, therefore,

BE IT RESOLVED: That a committee of two members of the House be appointed to act with a like committee of two members of the Senate to investigate said matter and report to the House, and said committee is authorized to send for such persons, papers and things, and to incur such expense as may be necessary in the investigation of said projects.

Rules suspended, and on motion of McQuitty, the Resolution was adopted, and Mr. Speaker announced that he would appoint the committee mentioned in the above resolution later.

The following resolution introduced by Blake was adopted:

Resolved, that the Sergeant at Arms of the House be, and hereby is instructed, to procure from the Secretary of State of the State of Montana, twelve (12) copies of the Revised Codes of Montana of 1907, and twelve (12) copies of the Session Laws of the Eleventh Legislative Assembly for the use of the members of the House.

The following resolution was introduced by Crouch:

It appearing that the members of this House are required to have all bills which are introduced by them type-written, and for the purpose of relieving them of that item of expense, as it is an item of expense that sould be legitimately borne by the State, I move you, for the purpose of having the type-written work, in connection with the preparation of the bills done by the employes of this House, that four expert type-writer operators be appointed for the purpose named, to-wit:

Edna Regene Caine, of Fergus County, Sally McMahon, of Broadwater County, Ella Kelly of Missoula County, and Katie O'Donnell, of Lewis and Clark County.

On motion of Binnard the above resolution was amended to read

that the four stenographers referred to in said resolution be appointed temporarily.

On motion of Herbold the amendment was laid on the table.

On Motion of Binnard Mr. Speaker was empowered to appoint four stenographers immediately for the use of the members.

Mr. Speaker appointed Crouch and Binnard as a committee to select the four stenographers above referred to.

On motion of Nolan the House referred back to the Seventh Order of Business and thereupon introduced House Joint Memorial No. 1, inaugurating a movement for the improvement of Country Life Conditions, the same was read first and second times in full and referred to Committee on Federal Relations.

On motion of Johnson of Lewis and Clark, the House adjourned to 10 A. M. tomorrow, at 4:55 P. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Fifth Day.

Friday, January 6, 1911.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll called and all members present except Berry, Byrnes, Duffy of Granite, Duffy of Silver Bow, Hewett, Owenhouse and Story.

Burt and McMurry were excused. Terrett absent.

Journal read and approved.

Hayes from the Committee on Rules, Joint Rules and Order of Business reported as follows:

Mr. Speaker:

The Committee on Rules recommends that the following new rules and changes be adopted:

1st.—That a new standnig committee be formed to be called "New Counties and Divisions."

2nd.—"That the maximum number of members on any committee shall not exceed fifteen."

On motion of Hayes the report was adopted.

The following communication was received from Helena Lodge No. 193 B. P. O. E.:

Helena, Montana, January 2, 1911.

Hon. W. W. McDowell, Speaker,

Helena, Montana.

Dear Sir:

We desire through you, to call to the attention of the members and attaches of the House of Representatives, who are members of

the Benevolent and Protective Order of Elks, that Helena Lodge No. 193, of said organization, has a Home at the corner of Broadway and Jackson street, which is equipped with reading room, dinning room, and other club conveniences, and that they are each cordially invited to accept of our hospitality during their stay in the city.

Very Respectfully,

MATHIAS STAFF, Exalted Ruler.

GEO. O. FREEMAN, Secretary.

On motion of Bell, the Chief Clerk was instructed to extend to the Elks the thanks of the House for their kind courtesy. Motion prevailed unanimously.

NOTICE OF BILLS.

By Bell: A Bill for an Act making an appropriation for the expenses of the Farmers' Institutes for the months of January and February, 1911.

By Bell: A Bill for an Act to provide for the payment of the actual necessary expenses of Judges of the District Court, when holding Court in any County, not the County of residence of such Judge.

By O'Flynn: A Bill amendnig Section 6244 of the Revised Codes of Montana, 1907, so as to increase the membership of the Supreme Court to five members, and providing that the Governor appoint two additional members to the present bench, to serve until the general State election of 1912.

By McNally: A Bill for an Act entitled, "An Act regulating and limiting the hours of employment for female employes, and governing the conditions under which femals employes shall work in certain industries."

By Blackburn: A Bill for an Act entitled, "An Act to provide for the appointment of a stenographer by Coroners in counties of the first class, and fixing the compensation and term of office of such stenographer."

By Donohue: A Bill for an Act entitled, "An Act forbidding manufacture, sale, or offering for sale, any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and mis-branding of foods and drugs shall consist, and defining the duties of the State Board of Health, with relation to foods and drugs, their inspection, purity, and misbranding; constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk, and directing the manner in which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to procure a license without cost from the State Board of Health, providing for a chemist to the State Board of Health, and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of this Act, providing for an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act,

providing penalties for the violation of this Act, and repealing acts and parts of acts in conflict herewith.

By Lissner: A Bill entitled, "An Act to amend an Act entitled, 'An Act to amend Section 541 of the Penal Code of the State of Montana relating to the sale of intoxicating liquors.'"

By Higgins: A Bill for an Act entitled, "An Act to establish a Sub-Experimental Station in South Mission Valley, in Missoula County, Montana, and providing for the acquisition of lands for the same, and the direction thereof, and appropriating money therefor."

By Murray: A Bill for an Act entitled, "An Act relating to the issue of licenses, authorizing the catching of fish and killing game animals, and repealing Section 1976 of the Act approved March 9, 1909."

By Rodgers: A Bill to amend Section 2897 of the Revised Codes of Montana 1907, and to add a Section thereto to be known as Section 2897 A, so as to provide that all county printing and like work be done within the State of Montana.

REPORTS OF SELECT COMMITTEES.

Crouch and Binnard, the Special Committee appointed by Mr. Speaker reported the following:

We, your Committee appointed to test the qualifications of stenographers respectfully report that we were unable to locate Miss Kelley and are unable to recommend qualifications of Miss McMahan as an expert stenographer. We recommend the appointment of the following:

Miss Cain of Meagher County, Miss O'Donnell of Lewis and Clark County, Miss Trischman of Park County and Miss Agnes Drew of Silver Bow County.

Mr. Speaker thereupon appointed the above named stenographers.

By request of Gillis, the Speaker reverted back to Order of Businss No. 2.

NOTICE OF BILLS.

By Gillis: An Act appropriating money for the payment to Conley and McTague Company of the amount due it for property belonging to it, within the Prison walls and adjacent to the State Prison, necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Moore of Valley County: H. B. No. 20. A Bill for an Act entitled, "An Act to create the County of Lake, define its boundaries and provide for its organization and government."

By Blake: H. B. No. 21. A Bill for an Act entitled, "An Act to amend Section 3003 and Section 3257 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of county and city treasurers and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such officers."

By Gillis: H. B. No. 22. A Bill for an Act entitled, "An Act to amend Section 3327 of the Revised Codes of the State of Montana, relating to the establishment of Fire Departments.

By Bell: H. B. No. 23. A Bill for an Act to amend Section 3889 of the Revised Codes of the State of Montana, relating to the powers of corporations authorizing the creation and issuance of preferred stock even though not provided for in the original or amended articles of incorporation of any company.

By Bell: H. B. No. 24. A Bill for an Act to provide an additional Judge for the Thirteenth Judicial District for the State of Montana, so that there will be two Judges in said district.

By Donohue: H. B. No. 25. A Bill for an Act to create the county of Wibaux, to define its boundaries, to provide for its organization and government, and to alter the boundaries of the Counties of Dawson and Custer to conform to the boundaries of the County of Wibaux.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 20, read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 21, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 22, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 23, read first and second times by title only, and referred to Committe on Corporations other than Municipal.

H. B. No. 24, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 25, read first and second times by title only, and referred to Committee on New Counties and Divisions.

MOTIONS AND RESOLUTIONS.

Motion by Jacobson that the Minutes of each day's session of the House be printed and one copy thereof be placed on each member's desk every day during the session.

Eliel moved as a Substitute, that in order to insure the accuracy of the House Journal an expert stenographer shall be employed as an additional assistant to the Journal Clerk, whose duty it shall be to report the proceedings of the House, transcribe his notes and place them at the disposal of the Journal Committee, so that the Clerk's record may be verified by comparison with the stenographer's notes.

Baker moved that the Sargeant at Arms be directed to give attention to the proper ventilation and lighting of the House during its session. Motion withdrawn. The Speaker directed the Sargeant at Arms to attend to the same.

Baker moved that the Sargeant at Arms be directed to see that the Chairs of the members of the House are properly oiled by the time the House convenes next Monday afternoon. Motion withdrawn. Speaker directed the Sargeant at Arms to attend to the same.

Whaley moved that from and after this time there be no more em-

ployes employed by the House except upon recommendation of the House Employment Committee, except an expert stenographer to assist the Journal Clerk. Motion prevailed.

Moved by Moore of Valley County that the Committee on New Counties and Divisions be selected from such counties that have no county divsion schemes. Motion ruled out of order.

Nolan moved that the Sergeant at Arms be instructed to procure from the office of the Secretary of State twelve copies of the Revised Codes, with Session Laws for the use of the House, and that he distribute them in such manner so that they will be readily accessible to all of the members. The House being informed that a similar motion had already been adopted, the motion was withdrawn.

O'Hern moved that from and after this date the smoking of cigarettes be prohibited in the House.

On motion of Lissner, same was laid on the table.

O'Flynn moved that the House of Representatives tender a vote of thanks to the Lambs and Montana Clubs of the City of Helena for the hospitality extended to the members of the House by the Montana and Lambs Clubs, and that the Chief Clerk be instructed to embody said vote of thanks in a leter addressed to the Lambs and Montana Clubs of Helena. Unanimously adopted.

The following communications were received from the Governor:

Executive Office, Helena, Montana, January 6, 1911.

The Speaker of the House of Representatives,

House of Represntatives,

Helena, Montana.

There is herewith submitted for your information and consideration the report of the State Board of Prison Commissioners, detailing the chief administrative features of the State Board of Prison for the past thirty months. The report covers the period intervening since the contract system of caring for prisoners was abandoned and the State assumed direct management.

The capacity of the prison is inadequate and must be materially increased; Conley & McTague should be paid the sums heretofore advanced by them to purchase furniture and construct improvements, and some form of labor should be provided to satisfy the physical needs of the convicts and reimburse the State as far as may be for cost of their maintenance.

The last Assembly directed the State Board of Prison Commissioners to make investigations and report to this Assembly its findings relative to the installation of a plant for manufacturing binding twine at the prison. The investigations have been made and the findings are submitted for year information and such action as you may direct.

On April first of last year the Conley & McTague ranch, where more than one hundred convicts had been kept, changed hands and provision had to be made for the convicts housed there previous to that date. All available space in the prison building was occupied, and the Board had about one hundred prisoners to care for, with no

suitable place in which to confine them. In view of the necessity to care for this overflow and the mandatory provisions of Section 9382 of the Revised Codes, which requires that the Court shall sentence all prisoners to hard labor, and consulting the physical needs of the convicts, the Board has since used prisoners for the following purposes:

I. General prison work on the prison premises.

II. Raising of vegetables for prison consumption.

III. Constructing a ditch on Race Track Creek to be used as a part of a power development plant for use of the prison.

IV. Makinb brick in the premises, to be used in prison enlargement.

V. Building highways from Deer Lodge towards Helena and Garrison, and in Hell Gate Canyon, and in constructing a broader passageway through a swamp near the State Fair grounds.

Personally I have not been convinced that the use of the prisoners for the purposes mentioned or using them in the manufacture of binding twine is objectiionable. It is feared, however, by many conscientious citizens that any use of the convicts will serve as an entering wedge to bring about their general employment. Any danger from this source may be avoided by a provision of law stating for what purposes the convicts may and may not be used.

The estimates of State Accountant Conway and Warden Conley are herewith submitted, showing the improvements necessary and the sums required to build and equip them. According to the findings of the committee, set forth in the report of the Board, the State owes Conley and McTague the sum of $44,573.29. This sum should be increased by the amount of $3,500.00 necessary to purchase the ground upon which certain buildings belonging to the State and required for prison use, stand, making a total of $47,073.29.

No account has been taken of the sum necessary to purchase a farm, which should be owned by the State and situated near Deer Lodge, to be used for the raising of vegetables for feeding the prisoners.

The duty to provide facilities to properly care for all convicts committed to the prison is imperative. The State prison is a penal institution to which offenders against the laws are committed for punishment. It is not a resort where guests are entertained at State expense. I believe that the prison should be conducted as a penal institution and that it can be made self-sustaining if placed upon a business basis.

The whole queston is submitted for your careful consideration and such action as your wisdom may dictate.

EDWIN L. NORRIS, Governor.

Mr. Speaker referred the communications from the Governor, together with reports accompanying same to the Committee on State Institutions hereafter to be appointed.

The following communications were received from the Senate: as follows:

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 2 having been read and adopted, is herewith transmitted for concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Joint Resolution No. 2, read first and second times at length and referred to the Committee on State Institutions by the Speaker.

Helena, Montana, January 4, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following bills were read first and second times and referred:

Senate Bill No. 4, by Edwards: A Bill for an Act entitled, "An Act to create the County of Musselshell, designate its boundaries, and provide for its organization and government." Referred to Committee on Counties, Towns and Municipalities.

Senate Bill No. 5, by Whiteside: A Bill for an Act entitled, "An Act to increase the membership of the Montana State Fish Commission, and to provide for the construction of a Fish Hatchery for the propagation of food fish and other fish in Flathead County, Montana, and to appropriate money therefor." Referred to Fish and Game Committee.

Senate Concurrent Resolution No. 1, by McCarthy: That after the fiftieth day of this session it shall not be in order, except by unanimous consent, for either house to proceed to the consideration of any measure proposing legislation, other than appropriation bills, which has not previously been reported from a committee and printed for the information of those who are to vote upon it.

Senate Concurrent Resolution No. 2, by Survant: Concerning the investigation of the affairs in the office of the State Board of Stock Commissioners, and recommending that a committee of seven be appointed, consisting of three from the Senate and four from the House, as a joint committee to make such investigation.

Senate Joint Resolution No. 2, by Donlan: Relative to the purchase of properties now being used in the care of the State's insane at Warm Springs.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Mr. Speaker appointed McQuitty and Bernard as a committee on Resolution No. 1 introduced yesterday by McQuitty, relative to the Cary Land Act, and instructed said committee to act in conjunction with a like committee to be apointed by the Senate.

On motion of Macdonald, the House adjourned at 12 o'clock Noon to meet Monday, January 9th, at 2 P. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Eighth Day.

Monday, January 9, 1911.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called, and all found present except Jacobson, Kammerer, Reel, Stevens, Wheeler of Silver Bow, and Williams. Terrett absent on account of sickness.

Journal read and approved.

NOTICE OF BILLS.

By Schwartz: A Bill for an Act entitlted, "An Act to create the County of Hill, to designate and define its boundaries, to provide for its organization and government, and to alter the boundaries of Chouteau County, to conform to the boundaries of Hill County."

By O'Hern: A Bill for an Act entitled, "An Act to prohibit the placing of a female in a house of prostitution, the living with, or the acceptance of any earnings of a common prostitute, and defining the punishment therefor."

By O'Hern: A Bill for an Act entitled, "An Act defining vagrancy, fixing the punishment therefor, and repealing Sections 8828 of the Revised Codes of Montana, of 1907."

By Whaley: A Bill for an Act regulating the manufacture and sale of butter, and other dairy products, and the development of the said industry in the State of Montana, and providing penalties for the violation thereof.

By Whaley: A Bill for an Act regulating the sale and prescribing the weight and quality of bread in the loaf, sold, or offered for sale, within the State of Montana.

By Higgins: A Bill for the establishment of a law department in connection with the State University at Missoula.

By Brady: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana, of an amendment to Section 3, Article 12, of the Constitution of the State of Montana, relating to the taxation of mines."

By Bell: A Bill for an Act to amend Section 876 of the Revised Codes of Montana, and prescribing the conditions under which a pupli in one school district may attend school in another district.

By Bell: A Bill for an Act to amend Section 7121 of the Revised Codes of Montana, providing for appeals from Justice or Police Courts.

By Kirschwing: An Act for an appropriation of Three Hundred Thousad Dollars ($300,000.00) for a State Insane Asylum, to be located at Great Falls, Montana.

By Binnard: A Bill for an Act to protect liens against, or upon property of dissolved corporations.

By Nolan: A Bill for an Act entitled, "An Act to amend Section

6385 of the Revised Codes of Montana, relating to the right to practice law in the Courts of this State."

By Word: A Bill for an Act relating to costs in contempt proceedings.

By Nelson: A Bill for an Act entitled, "An Act to create Cardwell County, Montana, and define its boundaries, and altering the boundaries of Jefferson, Madison and Silver Bow Counties to conform therewith."

By Johnson of Lewis and Clark: A Bill for an Act entitled, "An Act to appropriate money for the payment of outstanding bounty certificates."

By Vaughn: A Bill for an Act entitled, "An Act to prohibit the selling, giving or otherwise furnishing of intoxicating liquors to drunkards or intoxicated persons, and to minors and Indians, and prescribng penalty."

By Reser: A Bill for an Act entitled, "An Act to create the County of Blaine, to designate and define its boundaries, to provide for its organization and Government, and to alter the boundaries of Chouteau County to conform to the boundaries of Blaine."

By Blackburn: An Act to amend Section 6388 of the Revised Codes of Montana, of 1907, relating to the practice of law, and to prevent persons other than Attorneys from representing themselves to be an attorney, or from receiving any fee for services rendered as such.

By O'Flynn: A Bill making dsertion of wife a penal offence, and punishable by imprisonment in the State Prison.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Higgins: H. B. No. 26. An Act to establish sub-experimental station in South Mission Valley, in Missoula County, Montana, and providing for the acquisition of lands for the same, and the direction thereof.

By Macdonald: H. B. No. 27. A Bill for an Act entitled, "An Act to regulate the dispensing, sale and giving away of Opium, Morphine, Alkaloid, Cocaine, or Alpha or Beta Eucaine, or any derivative, mixture or preparation of any of them, the prescribing of the same by licensed physicians, providing penalty for the violation thereof, and repealing all Acts and parts of Acts in conflict herewith."

By Gillis: H. B. No. 28. An Act entitled, "An Act appropriating money for the payment to Conley & McTague Company of the amount due it for property belonging to it within the prison walls, and adjacent to the State Prison, necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana."

By Williams: H. B. No. 29. An Act entitled, "An Act to amend Section 901 of the Revised Codes of 1907, of the State of Montana, relative to the certificate of qualifications of teachers in the public schools of the State of Montana."

By Word: H. B. No. 30. A Bill for an Act to authorize the State

of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance and sale of bonds to an amount not exceeding Five Hundred Thousand Dollars for the purpose of improving the State Fair Grounds, and providing for the sale of said bonds, and the expending of the moneys realized from said sale.

By Nolan: H. B. No. 31. A Bill for an Act empowering the Board of Directors of the Montana State Fair to acquire certain lands for the use of the State Fair, and appropriating money for the acquisition thereof.

By Bell: H. B. No. 32. A Bill for an Act making an appropriation for expenses of the Farmers' Institutes for the months of January and February, 1911.

By Bell: H. B. No. 33. A Bill for an Act to provide for the payment of the actual necessary expenses of Judges of the District Courts, when holding Court in any County not the county of residence of such Judge.

By Donohue: H. B. No. 34. A Bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods, or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health, with relation to foods and drugs, their inspection, purity and misbranding; constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals, and their preparation for food, regulating the purity of milk, and directing the manner in which the sale shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handed to procure a license, without cost, from the State Board of Health, providing for a chemist to the State Board of Health, and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of this Act, and repealing Acts and parts of Acts in conflict herewith."

By Holter: H. B. No. 35. A Bill for an Act to provide for the organization and government of municipal corporations of cities of the first and second class within the State of Montana.

By Binnard: H. B. No. 36. A Bill for an Act entitled, "An Act to provide for party nominations by direct vote."

By Murray: H. B. No. 37. A Bill for an Act making it unlawful to herd or drive sheep upon the lands or possessory claims of others, and making owners of sheep so herded or driven liable to the persons injured thereby.

By Tolman: H. B. No. 38. A Bill for an Act entitled, "An Act providing for a special tax levy on livestock for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and providing the methods thereof."

By Baker: H. B. No. 39. A Bill for an Act entitled, "An Act to add an additional section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to County Printing, to be designated as Sections 4234, providing a penalty for violation of Section 4233 of the Political Code."

By Blackburn: H. B. No. 40. A Bill for an Act entitled, "An Act to provide for the appointment of a stenographer by Coroners in Counties of the first class, and fixing the compensation and term of office of said stenographer."

By Herbold: H. B. No. 41. A Bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes, relating to bounties for killing wolves, coyotes and mountain lions, and to provide for the payment of the same."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 26, read first and second times at length and referred to the Committee on State Institutions.

H. B. No. 27, read first and second times at length and referred to the Committee on Sanitary Affairs.

H. B. No. 28, read first and second times at length and referred to the Committee on State Insttutions.

H. B. No. 29, read first and second times by title only, and referred to the Committee on Education.

H. B. No. 30, read first and second times at length and referred to the Committee on Ways and Means.

H. B. No. 31, read first and second times at length and referred to the Committee on Fairs and Expositions.

H. B. No. 32, read first and second times by title only, and referred to the Committee on State Institutions.

H. B. No. 33, read first and second times by title only, and refered to the Committee on Judiciary.

H. B. No. 34, read first and second times at length and referred to the Committee on Sanitary Affairs.

H. B. No. 35, read first and second times at length and referred to the Committee on Affairs of Cities.

H. B. No. 36, read first and second times by title only and referred to the Committee on Privileges and Elections.

H. B. No. 37, read first and second times by title only, and referred to the Committee on Livestock and Public Ranges.

H. B. No. 38, read first and second times by title only, and referred to the Committe on Livestock and Public Ranges.

H. B. No. 39, read first and second times by title only, and referred to the Committee on Judiciary.

H. B. No. 40, read first and second times by title only, and referred to the Committee on Townships and Counties.

H. B. No. 41, read first and second times by title only, and referred to the Committee on Livestock and Public Ranges.

COMMUNICATIONS AND PETITIONS.

January 9, 1911.

To the Honorable Speaker and House of Representatives
of the Twelfth Legislative Assembly
of the State of Montana.

I have the honor to transmit herewith the papers in the matter of Herman Beckman, Contestant, vs. P. H. Bernard, Contestee.

Respectfully submitted,
A. N. YODER,
Secretary of State.

This communication was referred to the committee on Privileges and Elections.

January 9, 1911.

To the Honorable Speaker and House of Representatives
of the Twelfth Legislative Assembly
of the State of Montana.

I have the honor to transmit herewith, Resolution No. 221, Kalispell Chamber of Commerce.

Respectfully yours,
A. N. YODER,
Secretary of State.

INTRODUCED BY MAYOR W. C. WHIPPS.

RESOLUTION NO. 221.

A resolution requesting the Twelfth Legislative Assembly of the State of Montana to pass a law authorizing the commission form of government for the cities of the State of Montana.

BE IS RESOLVED BY THE COUNCIL OF THE CITY OF KALISPELL:

Section One.

It is hereby resolved that the Legislative Assembly of the State of Montana be, and the same is hereby respectfully requested, to pass a suitable law authorizing the cities of the State of Montana to establish and maintain what is known as the commission form of City Government.

Section Two.

It is believed that the commission form of government where adopted has operated to better and improve municipal administration by the introduction of business methods and the elimination of partisanship in the selection of public servants.

It is further believed that the commission form of City Government so far as tried has proven a decided advance in the methods of administering the affairs of Cities.

Section Three.

That copies of this resolution be forwarded to the Secretary of State, to the President of the Senate, and to the Speaker of the

House of Representatives of the State of Montana.

Passed and approved January 5, 1911.

W. C. WHIPPS, Mayor.

Attest: H. A KENDALL, City Clerk.

Attest: A true copy.

H. A. KENDALL, City Clerk, City of Kalispell, Mont.

This communication and resolution attached thereto were referred to the Committee of Affairs of Cities.

Senate Chamber, Helena, Mont., January 5, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following bills were this day read first and second times and referred:

Senate Bill No. 7, by Edwards: A Bill for an Act entitled, "An Act to amend Section 3003 and Section 3257, of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such officers." Refered to Judiciary Committee.

Senate Bill No. 8, by McCone: A Bill for an Act entitled, "An Act to amend Sections 2240, 2241, 2242, 2244, 2248 and 2249, Revised Codes of 1907, relating to the Carey Land Act Board, and to provide for an Assistant Secretary of said Board." Referred to Committee on Public Lands.

Senate Bill No. 9, by Cockrell: A Bill for an Act entitled, "An Act ot amend Section 5332 of the Revised Codes of the State of Montana of 1907, relating to Common Carriers." Referred to Committee on Railroads and Transportation.

Senate Bill No. 10, by Edwards. A Bill for an Act to provide for and regulate the manner and method of taxing mortgages. Referred to Committee on Judiciary.

Senate Bill No. 11, by Duncan. A Bill for "An Act to amend Sections 3178 and 3180 of the Revised Codes of Montana, relating to the per diem and mileage of jurors in Courts of Record." Referred to Committee on Judiciary.

Senate Bill No. 12, by Edwards. A Bill for an Act entitled, "An Act to amend Section 8787 of the Revised Codes of 1907, as amended by Chapter 81, laws of 1909, relative to the season for shooting Grouse, Prairie Chicken, Pheasant, Partridge, Fool or Sage Hens." Referred to Committee on Fish and Game.

Senate Bill No. 13, by Donlan: A Bill for an Act entitled, "An Act classifying persons who shall be permitted to use free transportation in the State of Montana, and prescribing the conditions with respect thereto." Referred to Committee on Railroads and Transportation.

Senate Bill No. 14, by Donlan: "A Bill for an Act to amend Section 1147 of the Revised Codes of 1907, and to add an additional section to be numbered 1147A, of the Revised Codes of 1907, relating to the ex-

amination and commitment of insane persons, and providing for their maintenance." Referred to Committee on Judiciary.

Senate Bill No. 15, by Christopher: A Bill for an act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector." Referred to Committee on Judiciary.

Senate Bill No. 16, by Burlingame: A Bill for "An Act to regulate the sale of goods, wares and merchandise within the State of Montana, known as prison made goods." Referred to Committee on Agriculture and Manufactures.

Senate Bill No. 17, by Larson: A Bill for "An Act to amend Section 3003 and Section 3257 of the Revised Codes of Montana, relating to the Deposit and Control of Public Money in the possession of County and City, or Town Treasurers and to provide for the payment of interest on Deposits of Public Money and for the furnishing of Official Bonds by such officers." Referred to Judiciary Committee.

Senate Bill No. 18, by Edwards: A Bill for an Act to provide for the organization and government of municipal corporations of cities of first and second class within the State of Montana. Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 19, by Sykes: A Bill for an Act entitled, "An Act to amend Section 43 and to repeal Sections 45 and 46, Chapter 2, Titile I, Part 2 of the Political Code of the Revised Codes of Montana of 1897 relating to representation." Referred to Committee on Apportionment and Representation.

Senate Bill No. 20, by Whiteside: A Bill for an Act to appropriate money for the measurement of streams and watersheds and the compilation of data pertaining to the use and conservation of the waters of Montana." Referred to Committee on Finance and Claims.

Senate Bill No. 21, by Whiteside: A Bill for "An Act to amend Section 292 or the Revised Codes of Montana, 1907, relating to salaries of Judges of the District Court." Referred to Judiciary Committee.

Senate Bill No. 22, by Whiteside: A Bill for "An Act to provide for the construction of a Horticultural Hall at the Montana State Fair Ground, and to appropriate money therefor." Referred to Committee on Horticulture.

Senate Bill No. 23, by Whiteside: A Bill for an Act to provide for the construction of a Biological Station for the use of the Montana State University in Flathead County, Montana, and to appropriate money therefor. Referred to Committee on Horticulture.

Senate Joint Memorial No. 1, by George: A Memorial to Congress of the United States for speedily opening the Crow Reservation for settlement and all Indian Rights adjusted. Referred to Committee on Federal Relations.

Senate Joint Memorial No. 2, by McCone: Petition to Congress to enact such legislation as will relieve the settlers under the Lower

Yellowstone project in Montana and North Dakota. Referred to Committee on Federal Relations.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, January 6, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were today read first and second time and referred:

Senate Bill No. 24, by Donlan: A Bill for an Act entitled, "An Act to provide for the payment of the expenses of District Judges, incurred on account of holding Court in counties other than the counties where they reside." Referred to Judiciary Committee.

Senate Bill No. 25, by Christopher: A Bill for an Act entitled, "An Act to amend Section 288 of the Revised Codes of 1907, concerning Free Public Employment Offices in Cities." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 26, by Whiteside: A Bill for an Act entitled, "An Act to appropriate money to pay the cost of Farmers' Institute work in the State of Montana." Referred to Committee on Agriculture and Manufactures.

Senate Bill No. 27, by Cockrell: A Bill for an Act entitled, "An Act to punish desertion of wife by hunsband." Referred to Judiciary Committee.

Senate Bill No. 28, by Edwards: A Bill for an Act to regulate and prohibt the issuance or acceptance of free transportation by common carriers. Refered to Committee on Railroads and Transportations.

Senate Bill No. 29, by Edwards: A Bill for an Act entitled, "An Act to provide for a uniform system of Municipal Accounts." Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, January 9, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bill was read first and second times and referred:

Senate Bill No. 30, by George: A Bill for an Act entitled, "An Act to amend Section 2760 of the Revised Codes of Montana, and regulating the issuance of licenses to retail liquor dealers in all places other than incorporated cities and towns." Referred to Committee on Judiciary.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

On motion of Duffy of Granite Mr. Culbertson the photographer was given permission to photograph the House and members.

MOTIONS AND RESOLUTIONS.

On motion of Eliel the followig amendment to House Rule XXVII was offered:

RULE XXVII.

Every bill shall receive three several readings previous to its passage, but no bill shall receive its second and third readings on the same day, except on the last day of the session, and no bill shall receive its third reading that has not been referred to the Senate and House. All bills, memorials, or joint resolutions on their first and second readings, unless otherwise provided in these rules, shall be read by their titles. The third reading of bills shall be in full, except that of voluminous bills may be dispensed with by a vote of two-thirds of the members present. The third reading of no bill shall be dispensed with unless due notice of intention to invoke this provision of this rule shall have been given not less than one day before such bill is brought before the House for third reading.

Referred to committee on Rules, Joint Rules, and Order of Business.

By Unanimous consent the following resolution was read without previous notice:

House Concurrent Resolution No. 1, by Tolman: Relative to the State Board of Stock Commissioners.

READING OF BILLS, RESOLUTIONS AND MEMORIALS.

House Concurrent Resolution No. 1, by Tolman, read first and second times, and referred to the Committee on Livestock and Public Ranges.

Baker offered the following:

A message having been received within the past few hours announcing the death of the Mother of the Honorable P. J. Duffy, of Silver Bow, I move that a committee be appointed to draft appropriate resolutions of condolence on the death of Mrs. Duffy. Said resolutions to be presented for consideration of this House at tomorrow's session. Motion prevailed unanimously, and the following committee was appointed consisting of Baker, Brady and Higgins.

On motion by Baker that all concurrent or joint resolutions such as House Concurrent Resolution No. 1 be referred to a committee. This was amended by Byrnes with consent of Baker, that all resolutions incurring expenses to the State be referred to standing committees.

Blake moved as a substitute that all Joint or Concurrent resolutions introduced whether they carried expenses to the State or not, be considered immediately by the House. Substitute lost and the original motion as amended prevailed.

There being no objection the House reverted back to second order of buisness.

NOTICE OF BILLS.

By Vaughn: A Bill for an Act entitled, "An Act to forbid fishing at or within certain distances of dams, fish ladders, or State Spawning stations, and fixing the punishment for so doing."

By Donohue: A Bill for an Act for the submission to the qualified electors of the State of Montana, of an amendment to Section 2 of Article 9 of the Constitution of the State of Montana, extending the right of suffrage to women.

By Lissner: A Bill for an Act to amend Sub-division 4, of Section 2773, of Chapter 13, Article II, of the Revised Political Code.

By Tolman: A Bill entitled, "A Bill for an Act entitled, 'An Act to provide for the tranfer of Thirty Thousand ($30,000.00) Dollars from the Treasury of the State of Montana, to the State Bounty Fund, for the purpose of paying approved bounty claims."

By Woody: A Bill for an Act entitled, "An Act to secure and perpetuate liens upon chattles for labor, skill, and material expended thereon, and providing for the enforcement thereof."

MESSAGES FROM THE SENATE.

The Following messages were received and read:

Senate Chamber, Helena, Montana, January 9, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following bills were this day read first and second times and referred:

Senate Bill No. 31, by McCarthy: A Bill for an Act entitled, "An Act providing for the submission to the Electors of the State of Montana an amendment to Section 21, of Article V of the Constitution of the State of Montana, relating to the introduction of Bills in the Legislatve Asseimbly." Referred to Judiciary Committee.

Senate Bill No. 32, by Meyer: A Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, and providing for the exemption of property not to exceed Eight Hundred Dollars in value of soldiers and sailors of the United States, or their widows." Refered to Committee on Military Affairs.

Senate Bill No. 33, by Edwards: A Bill for an Act entitled, "An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors; regulating the issuance of such licenses; and providing that such licenses shall be non-transferable." Referred to Committee on Judiciary.

Senate Bill No. 34, by McCone: A Bill for an Act entitled, "An Act providing for the disposition of moneys received from the sale of estrays, and prescribing the duties of the State Treasurer, and Board of Stock Commissioners with reference thereto." Referred to Commitee on Stock Growing and Grazing.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 6, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following notices of introduction of Bills were this day given:

By George: A Bill for an Act to amend Section 2760 of the Revised Codes of Montana and regulating the issuance of licenses to retail liquor dealers in all places other than incorporated cities and towns.

By Meyer: A Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, and providing for the exemption of property not to exceed eight hundred dollars in value of soldiers and sailors of the United States, or their widows."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

UNFINISHED BUSINESS.

Mr. Speaker announced the appointment of the following standing committees:

Ways and Means.—Word, Whaley, Woody, Law, McNally, Nolan, Martin, Wheeler of Cascade, Gillis, Donohue, Bernard, Grubb, Moore of Valley.

State Institutions, Public Buildings and Grounds.—Nolan, McNally, Owenhouse, Word, Wheeler of Silver Bow, O'Flynn, Kirschwing, Eliel, Swick, English, Holter, Bell, Jacobson.

Judiciary.—Wheeler of Silver Bow, Nolan, Word, Law, Woody, O'Flynn, Alley, Dobell, O'Hern, Binnard, Rodgers, Berry, Grubb, Higgins, Paul.

Banks and Banking.—Kammerer, Tuttle, Wheeler of Cascade, O'Hern, McNally, Martin, Tolman, Eliel, Story, Nelson, Paul.

Privileges and Elections.—Crouch, Baker, Owenhouse, Martin, Tuttle, Woody, Wheeler of Cascade, Byrnes, McNally, Story, Murray.

Printing.—Baker, Blackburn, McMurry, Dobell, Reel, Crouch, Reser, Swick, Bernard.

Appropriations.—Blackburn, Nolan, Owenhouse, Macdonald, Tuttle, Woody, Kammerer, Byrnes, Berry, Paul, Eliel, O'Flynn, Blake.

Federal Relations.—McQuitty, Blackburn, Brady, Johnson of Ravalli, Kirschwing, Sarter, Nelson, Moore of Valley, Murray.

Development and Publicity.—O'Hern, Dobell, Whaley, Lissner, Duffy of Granite, Johnson of Ravalli, Jacobson, English, Bell, Grubb, Story.

Livestock and Public Ranges.—Herbold, Martin, Owenhouse, Brady, Reser, Asbridge, Donohue, Hickey, Jordan, Tolman Sarter.

Improvements and Manufacturing.—Moore of Silver Bow, Lissner Johnson of Ravalli, Schwartz, Roberts, Grubb, Hickey.

Townships and Counties.—Binnard Berry, Macdonald, Martin, Wheeler of Cascade, Gillis, Lissner, Sarter, Reser, Gray, Bell.

Fish and Game.—Owenhouse, Macdonald, Gillis, Duffy of Silver Bow, McQuitty, Alley, Binnard, Kirschwing, Byrnes, Hewett, Blake, English, Higgins.

Education.—Woody, O'Flynn, Nolan McMurry, Herbold, McNally, Rodgers, Sarter, English, Gray, Story.

Fairs and Expositions.—Law, Word, Woody, O'Flynn, Crouch, Wheeler of Silver Bow, Donohue, Binnard, Holter, Hickey, Slayton.

Apportoinment and Representation.—Dobell, Word, Wheeler of Cascade, Law, Blackburn, Baker, Reel, Crouch, Eliel, Ralston, Williams.

Rules, Joint Rules and Order of Business.—Hayes, Macdonald, Gillis, Hewett.

Horticulture.—McMurry, Moore of Silver Bow, Herbold, Johnson of Lewis and Clark, O'Hern, Martin, Jacobson, Slayton, Roberts, Bernard, Grubb.

Miliary Affairs.—Donohue, Tuttle, McQuitty, Duffy of Granite, Herbold, Blake, Slayon, Bernard, Murray.

Irrigation and Water Rights.—Whaley, Owenhouse, Woody, Brady, Johnson of Ravalli, Moore of Valley, Jordan, Bell, Tolman.

Insurance.—O'Flynn, Wheeler of Cascade, Owenhouse, Martin, Kammerer, Crouch, Alley, Holter, Ralston, Swick, Eliel.

Labor.—McNally, Reel Hayes, Berry, Byrnes, Duffy of Granite, Johnson of Lewis and Clark, English, Hickey, Vaughn, Holt.

Sanitary Affairs.—Wheeler of Cascade, Blackburn, Gillis, Wheeler of Silver Bow, Donohue, Brady, Gray, Schwartz, Story.

New Counties and Divisions.—Hayes, Gillis, Macdonald, Owenhouse, Binnard, Tuttle, Holter, Swick, Bernard, Jordan, Stevens.

Corporations Other Than Municipal.—Gillis, Kammerer, Dobell, Hayes, Reel, Baker, Rodgers, Swick, Higgins.

Waterways and Navigation.—Macdonald, Duffy of Granite, Ebert, Herbold, Kirschwing, Burt Moore of Valley, Grubb, Higgins.

Railroads and Transportation.—Byrnes, Alley, McQuitty, Berry, Hayes, Kirschwing, Blake, Stevens, Paul, Vaughn, Holt.

Engrossment.—Martin, Wheeler of Silver Bow, McMurry, Asbridge, Kirschwing, Crouch, Blake, Vaughn, Williams.

State Boards and Officers.—Tuttle, Word, Law, McQuitty, Moore of Silver Bow, Binnard, O'Hern, Whaley, Johnson of Lewis and Clark, Rodgers, Stevens, Vaughn, Holter.

Highways.—Brady, Duffy of Silver Bow, Tuttle, Moore of Silver Bow, Asbridge, Ebert, Reser, Moore of Valley, Ralston, Holt, Schwartz.

Agriculture.—Johnson of Ravalli, Asbridge, Brady, Herbold, Sarter, Murray, Jordan.

Libraries.—Grubb, Wheeler of Silver Bow, Binnard, Ebert, Bernard, Burt, Vaughn, Holt, Reser, Gray, Paul.

Enrollment.—Lissner, McQuitty, Law, Ebert, Ralston, Holt, Murray.

Mileage and Per Diem.—Kirschwing, Wheeler of Silver Bow, Ebert, Berry, Bell, Roberts, Tolman, Slayton, Nelson.

Journal.—Reel, Tuttle, McMurry, Hickey, Jordan.

Conservation of Resources.—Johnson of Lewis and Clark, Whaley, O'Flynn, Dobell, Lissner, Donohue, Burt, Jacobson, Schwartz.

Mines and Mining.—Duffy of Silver Bow, Duffy of Granite, Wheeler

of Cascade, Kammerer, Gillis, Moore of Silver Bow, Byrnes, Hewett, Ralston, English, Roberts.

State Lands.—Berry, O'Flynn, Baker, Macdonald, O'Hern, Herbold, Moore of Silver Bow, Burt, Rodgers, Williams, Roberts.

Dairying.—Ebert, Whaley, Ashbridge, Brady, Johnson of Lewis and Clark, Stevens, Williams, Reser, Tolman.

Affairs of Cities.—Alley, Nolan, Owenhouse, Kammerer, Gillis, Lissner, Dobell, Macdonald, Hewett, Stevens, Higgins.

House Employees.—Duffy of Granite, Hayes, Dobell, Baker, Kammerer, Bernard, Hewett, Gillis, Blake.

Internal Improvements.—Ashbridge, O'Flynn, McQuitty, Moore of Silver Bow, Nolan, Duffy of Granite, Ebert, Jacobson, Schwartz, Nelson, Higgins.

On motion of Blake the House adjourned at 4 P. M. to meet tomorrow at 10:30 A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Ninth Day.

Tuesday, January 10, 1911.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called, and all members found present except Jacobson and Terrett.

On motion of McMurry, the Journal of the Eighth Day as read was approved.

NOTICE OF BILLS.

By Stevens: A Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana, relating to investment of capital of insurance companies.

By Bell: A Bill for an Act to amend Section 877, of the Revised Codes of the State of Montana, and providing for transportation of pupils within the school districts where they reside, or from one district to another.

By Bell: A Bill for an Act specifying and providing how school district warrants shall be executed and signed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Whaley: H. B. No. 42. A Bill for an Act regulating the manufacture and sale of butter, and other dairy products, and the development of the said industry in the State of Montana, and providing penalties for the violation thereof.

By Whaley: H. B. No. 43. A Bill for an Act regulating the sale,

and prescribing the weight and quality of bread in the loaf sold, or offered for sale, within the State of Montana.

By Bell: H. B. No. 44. A Bill for an Act to amend Section 7121 of the Revised Codes of Montana, providing for appeals from Justice or Police Court.

By Bell: H. B. No. 45. A Bill for an Act to amend Section 876 of the Revised Codes of Montana, and prescribing the conditions under which a pupil in one school district may attend school in another school district.

By Binnard: H. B. No. 46. A Bill for an Act entitled, "An Act for the bonding of official abstractors."

By Nolan: H. B. No. 47. A Bill for an Act entitled, "An Act to amend Section 6385 of the Revised Codes of Montana, relating to the right to practice law in the Courts of this State."

By Byrnes: H. B. No. 48. A Bill for an Act entitled, "An Act providing for the appointment, and prescribing the duties of school physicians."

By Tolman: H. B. No. 49. A Bill for an Act entitled, "An Act to provide for the transfer of Thirty Thousand Dollars ($30,000.00) from the treasury of the State of Montana, to the State Bounty Fund, for the purpose of paying approved bounty claims."

By Vaughn: H. B. No. 50. A Bill for an Act entitled, "An Act to forbid fishing at or within certain distances of dams, fish ladders, or State Spawning Stations, and fixing the punishment for so doing."

By Martin: H. B. No. 51. A Bill for an Act entitled, "An Act to Amend Section 8312 of the Revised Codes in relation to assault in the first degree, and to define and punish such assault."

By Martin: H. B. No. 52. A Bill for an Act entitled, "An Act to repeal Sections 1347 and 1351 of the Revised Codes, relating to payment of special road tax and labor."

By Martin: H. B. No. 53. A Bill for an Act entitled, "An Act to define and punish desertion or non-support of family."

By Blackburn: H. B. No. 54. A Bill for an Act entitled, "An Act to amend Section 6388 of the Revised Codes of Montana, of 1907, relating to the practice of law, and to prevent persons, other than attorneys, from representing themselves to be an attorney, or from receiving any fee for services rendered as such."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 42, read first and second times by title only, and referred to the Committee on Sanitary Affairs.

H. B. No. 43, read first and second times by title only, and referred to the Committee on Affairs of Cities.

H. B. No. 44, read first and second times by title only, and referred to the Committee on Judiciary.

H. B. No. 45, read first and second times by title only, and referred to the Committee on Education.

H. B. No. 46, read first and second times by title only, and referred to the Committee on Insurance.

H. B. No. 47, read first and second times by title only, and referred to the Committee on Judiciary.

H. B. No. 48, read first and second times by title only, and referred to the Committee on Education.

H. B. No. 49, read first and second times at length, and referred to Committee on Livestock and Public Ranges.

H. B. No. 50, read first and second times by title only, and referred to the Committee on Fish and Game.

H. B. No. 51, read first and second times by title only, and referred to the Committee on Judiciary.

H. B. No. 52, read first and second times by title only, and referred to the Committee on Highways.

H. B. No. 53, read first and second times by title only, and referred to the Committe on Education.

H. B. No. 54, read first and second times by title only, and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Duffy of Granite from the Committee on House Employes submitted the following report:

Mr. Speaker:

Your committee on House Employes recommend the following named clerks to be assigned to the Committees opposite their uames:

Thomas Fox,	State Boards and Officers.
Annie McDonald,	Apportionment and Representation.
Edith Thompson,	New Counties and Divisions.
Chrysta MacDonald,	Appropriations.
Miss Wenzel,	Education.
Laura Winkler,	Banks and Banking.
Elizabeth Trischman,	Privileges and Elections.

On motion of Duffy of Granite, report was adopted.

Byrnes moved that the Printing Committee be instructed to have printed upon cards the names of the various standing committees of the House, and the membership of each Committee, and that 250 copies of same be printed for use of the House. Motion prevailed.

RESOLUTIONS AND MEMORIALS.

The following resolutions were presented and unanimously adopted:

By Byrnes: BE IT RESOLVED: That for the purpose of enabling the Librarian to exchange with the Librarian of other states, the Chief Clerk of the House of Representatives be authorized to supply the Legislative Reference Bureau of the Historical and Miscellaneous Department of the State Library, with 20 copies of each Bill, ordered printed by the House.

The Committee appointed to draft resolutions on the death of the Mother of Hon. P. J. Duffy of Silver Bow, reported as follows:

Mr. Speaker:

Announcement having previously been given of the death of the mother of the Hon. P. J. Duffy of Silver Bow, your Committee appoint-

ed to draft resolutions of condolence beg leave to submit the following:

WHEREAS, In obedience to the will of an All Wise Providence, the devoted and beloved mother of the Hon. P. J. Duffy, has been called to her reward; and

WHEREAS, The Hon. P. J. Duffy is an honored member of the House of Representatives of the Twelfth Legislative Assembly of the State of Montana; be it

RESOLVED: That this body extend to Hon. P. J. Duffy and family its deepest sympathy and condolence in their bereavement; and be it further

RESOLVED, That a copy of these resolutions be spread upon the records of the Twelfth Legislative Assembly.

(Signed:) BAKER
HIGGINS,
SAML. O. N. C. BRADY,
Committee.

MESSAGES FROM SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 9, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following notices of the introduction of Bills was this day given:

By Donlan: A Bill for an Act entitled, "An Act to amend Section 1479 of the Revised Codes of 1907, relating to the duties and compensation of the Secretary of the State Board of Health of Montana, and to increase the salary of the Secretary."

By Donlan: A Bill for an Act entitled, "An Act to amend Sections 149, 168, 194, 186 and 175, of the Revised Codes of Montana of 1907, relating to the salary of the Governor, Secretary of State, Attorney General, State Auditor and State Treasurer."

By Burlingame: A Bill for an Act entitled, "An Act requiring the registration of all trained nurses, providing for a Board of Registration and Examination, fixing the number, duties and qualifications of said Board and provding for the registration of nurses, and providing penalties for violation of this Act."

By Selway: A Bill for an Act, entitled, "An Act changing the boundaries of Beaverhead and Madison Counties."

By George: A Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana, and providing for transportation of pupils within the school district where they reside or from one district to another.

By Selway: A Bill for an Act to amend Sections 4871, 4872, 4873 and 4878 and 4880 of the Revised Codes of 1907, concerning the appropriation of water from adjudicated streams.

By George: A Bill for an Act authorizing the division of school districts having more than one school building.

By George: A Bill for an Act to amend Section 876 of the Re-

vised Codes of Montana and prescribing the conditions under which a pupil in one school district may attend school in another district.

By George: A Bill for an Act specifying and providing how school district warrants shall be executed and signed.

By Whiteside: A Bill for an Act entitled, "An Act to limit the number of saloons in incorporated towns and cities in proportion to the population of such towns and cities."

By Whiteside: A Bill for an Act entitled, "An Act to regulate the closing hours of saloons."

By McCarthy: A Bill for an Act entitled, "An Act to create the county of Orchard, designate the boundaries, and provide for its organization and government."

By Leighton: A Bill for an Act entitled, "An Act to regulate and limit the creation of New Counties in the State of Montana."

By Edwards: A Bill for an Act prohibiting Surety Companies from exacting Indemnity Bonds or Security from State, County or City officials before furnishing Official Bonds and providing penalty.

By Edwards: A Bill for an Act entitled, "An Act to amend Section 899 of the Revised Codes of 1907, relating to the duties and compensation of the clerks of School Districts and adding further duties to School District Clerks.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, January 9, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that Senate Concurrent Resolution No. 2, was read and adopted and is now tranmitted to House for Concurrence.

The Senate Committee to act with a Joint Committee from the House, the Senate selected as a committee Survant and Stout.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

READING OF SENATE CONCURRENT RESOLUTIONS.

Senate Concurrent Resolution No. 2, introduced by Survant, read first and second times at length and referred to Committee on Livestock and Ranges.

On motion of Eliel the House took a recess at 11.10 A. M. until 12 Noon.

House resumed at 12 Noon.

Mr. Speaker in the Chair.

Mr. Speaker at this point made the following announcement to the House:

This being the Second Tuesday after the convening and organization of the Twelfth Legislative Assembly, and the hour of 12 o'clock having arrived, the House will now proceed to ballot for United States Senator in the Congress of the United States, for the term

expiring March 4, 1911, to succeed the Honorable Thomas H. Carter.

The Roll was called, and all found present except Jacobson and Terrett.

Mr. Speaker then directed that the Roll be called, and the members announce their choice for United States Senator to succeed Honorable Thomas H. Carter.

Thereupon the House proceeded to vote in accordance with the provisions of Section XV, Title II, Chapter I, of the Revised Statutes of the United States, with the following result:

For T. J. Walsh.—Asbridge, Berry, Binnard, Byrnes, Crouch, Donohue, Johnson of Ravalli, Kammerer, Law, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—21.

For W. G. Conrad.—Alley, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Johnson of Lewis and Clark, Kirschwing, Lissner, Macdonald, O'Flynn, Wheeler of Cascade and Mr. Speaker—14.

For Thomas H. Carter.—Bernard, Blake, Burt, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Moore of Valley, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick and Williams—22.

For O. F. Goddard.—Bell—1.

For Thomas H. Swindlehurst.—Brady—1.

For B. F. White.—Eliel and Murray—2.

For N. J. Humphrey.—Herbold—1.

For Thomas C. Marshall.—Higgins—1.

For Henry C. Smith.—Jordan—1.

For John Hayes.—McNally—1.

For Tom McTague.—Moore of Silver Bow—1.

For Charles N. Pray.—Reser—1.

For George M. Bourquin.—Stevens and Vaughn—2.

For W. F. Meyer.—Tolman—1.

For Ben B. Law.—Baker—1.

Total vote—72.

Absent and not voting.—Jacobson and Terrett—2.

The Speaker thereupon announced no election.

REPORTS STANDING COMMITTEES.

Duffy of Granite of the Committee on House Employes reported the following:

Mr. Speaker:

Your Committee on Employes recommends that the following named persons be employed by the Printing Committtee:

Clerk, Minnie Carlson.

Stenographer, Regina Viken.

Proof Reader, J. H. Cole.

Messenger, Will Brulo.

Also, that Miss Ruby Harwood be employed and assigned to the Committee on Insurance.

Report adopted.

On motion of Blackburn the House adjourned at 12:25 P. M. to meet tomorrow at 10:30 A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Tenth Day.

Wednesday, January 11, 1911.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll called and all members found present except Terrett absent on account of sickness.

On motion of Reel the Journal of the Ninth day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, January 10, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following is the vote taken on the election of United States Senator, to succeed the Honorable Thomas H. Carter, for the term expiring March 4, 1911.

	Votes.
For Honorable Thomas H. Carter	9
For Honorable T. J. Walsh	7
For Honorable W. G. Conrad	4
For Honorable William Lindsay	2
For Honorable T. W. Speer	1
For Honorable Geo. M. Bourquin	1
For Honorable T. M. Swindlehurst	1
For Honorable Charles N. Pray	1
For Honorable T. G. Bair	1
For Honorable Carl Rasch	1
Total	28

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

NOTICES OF BILLS.

By Woody: A Bill for an Act entitled, "An Act to secure and perpetuate liens upon chattels for labor, skill and material expended thereon, and providing for the enforcement thereof."

By Vaughn: A Bill for an Act entitled, "An Act providing for

the construction of paddle wheels in all irrigating ditches, and ditches conveying water from any of the streams in the State of Montana, and providing a penalty therefor."

By Bell: A Bill for an Act authorizing the division of School districts having more than one school building.

By Alley: A Bill for an Act entitled, "An Act to amend Sections 8582 and 8583 of the Penal Code of the State of Montana, relating to the carrying of concealed weapons."

By Schwartz: A Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty ($250.00) Dollars for the payment of the deficiency claim of Dr. D. S. McKinzie, for services as Meat and Milk Inspector, in Chouteau County, from December 1st, 1904, to March 31st, 1905, inclusive."

By Slayton: A Bill entitled, "An Act to amend Section 3909, Revised Statutes, relating to the capitalization of Banks and Discount and Deposit."

By Sarter: A Bill for an Act entitled, "An Act to create the County of Stillwater, designating and defining its boundaries, and to provide for its organization and government, and to apportion the indebtedness existing between said Counties of Stillwater and the Counties of Carbon, Sweet Grass and Yellowstone."

By Byrnes: A Bill for an Act entitled, "An Act to amend Section 8798 of the Revised Codes of 1907, relating to placing of saw-dust in streams, lakes or ponds."

By Law: A Bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to Section VI, of Article 13, of the Constitution of the State of Montana, relating to the indebtedness of cities."

By Byrnes: A Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary, and defining his duties, and defining the duties and powers of certain other officials, in relation thereto.

By O'Flynn: A Bill for an "Act to amend Section 2773 of the Revised Codes of the State of Montana, relating to licenses."

By Moore of Valley: A Bill for an Act entitled, "An Act to amend Section 2760 of the Revised Codes of the State of Montana, 1907, relating to the issuances of licenses to retail liquor dealers."

By Duffy of Granite: A Bill entitled, "An Act authorizing the State Game and Fish Warden to appoint a Chief Deputy, and defining his powers and duties, and amending Section 1968 Revised Codes of 1907, relating to the compensation of Deputy State Game and Fish Wardens."

REPORTS OF STANDING COMMITTEES.

McMurry of the Committee on Horticulture to whom was referred H. B. No. 8, being a Bill for an Act entitled, "An Act appropriating money for the eradication of orchard pests and diseases from orchards in the State of Montana," reported same back to the House with the recommendation that it do pass.

On motion of McMurry, report adopted.

Also,

Nolan of the Committee on State Institutions, Public Buildings and Grounds, to whom was referred Senate Joint Resolution No. 2, relating to the advisability of the State of Montana purchasing from Mitchell and Musigbrod the buildings, grounds, etc., located at Warm Springs, Deer Lodge County, Montana, reported that they had same under consideration, and recommended House concurrence in said resolution.

On motion of Nolan, report adopted.

Also,

Nolan of the Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 32, the same being a Bill for an Act making an appropriation for the expenses of Farmers' institutes for the months of January and February, 1911, reported that having considered said Bill, recommend that same do pass; and likewise that the bill in question carrying an appropriation of money be forthwith referred to the Committee on Appropriations, pursuant to a ruling heretofore made regarding bills of this character by the Honorable Speaker.

On motion of Nolan report adopted.

Also,

Nolan of the Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Joint Resolution No. 1, providing for a Committee of three members of the House appointed by the Speaker to concur with a like committee appointed by the President of the Senate to investigate the recommendation contained in the Governor's message concerning the advisability of purchasing the insane asylum, grounds, buildings, etc., from Mitchell and Musigbrod, reported that said resolution is the same as Senate Joint Resolution No. 2, and having this day reported concurrence as to said Senate Joint Resolution No. 2, recommend that House Joint Resolution No. 1 be indefinitely postponed.

On motion of Nolan report adopted.

INTRODUCTION OF BILLS.

By Vaughn: H. B. No. 55, a Bill for an Act entitled, "An Act to prohibit the sale, giving or otherwise furnishing of intoxicating liquors to drunkards or to intoxicated persons, or to minors or Indians, and also prohibiting such persons from purchasing intoxicating liquors, and prescribing the penalty."

By Bell: H. B. No. 56, a Bill for an Act specifying and providing how school district warrants shall be executed and signed.

By Bell: H. B. No. 57, a Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana, and providing for transportation of puplis within the school district, where they reside, or from one district to another.

By Brady: H. B. No. 58, a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an

amendment to Section 3, of Article XII of the Constitution of the State of Montana, relating to revenue and the taxtion of mines."

By O'Hern: H. B. No. 59, a Bill for an Act entitled, "An Act to prohibit the placing of a female in a house of prostitution, the living with or the acceptance of any earnings of a common prostitute, and defining the punishment therefor."

By O'Hern: H. B. No. 60, a Bill for an Act entitled, "An Act defining vagrancy, fixing the punishment therefor, and repealing Section 8287 of the Revised Codes of the State of Montana, of 1907."

By Woody: H. B. No. 61, a Bill for an Act entitled, "An Act providing for a commission form of government for Cities, providing for the election of officers therein, defining their duties and powers, and providing for their compensation."

By Murray: H. B. No. 62, a Bill for an Act entitled, "An Act to amend Section 1976 of the Revised Codes of Montana of 1907, as amended, being an Act entitled, "An Act to repeal Section 1971, and to amend Sections 1973 and 1977, of the Revised Codes of Montana, of 1907, relating to hunting and fishing, licenses, the manner of issuing same, and providing a penalty for violation of this Act, approved March 9, 1909."

By Binnard: H. B. No. 63, a Bill for an Act entitled, "An Act to protect liens against, or upon property of dissolved corporations."

By Lissner: H. B. No. 64, a Bill for an Act entitled, "An Act to amend Section 8380 of the Revised Codes of 1907, relative to the sale of intoxicating liquors to minors, drunkards or Indians, and prohibiting the purchase by such persons of intoxicating liquors, and prescribing a penalty."

By Lissner: H. B. No. 65, a Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of 1907, relating to license of telephone, telegraph, electric light, gas and water companies."

By Stevens: H. B. No. 66, a Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana, relating to investment of capital of insurance companies."

By Tolman: H. B. No. 67, a Bill for an Act entitled, "An Act regulating the speed of trains carrying livestock."

READING OF BILLS.

The following Bills were taken from the file:

H. B. No. 55, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 56, read first and second times by title only, and referred by Committee on Judiciary.

H. B. No. 57, read first and second times by title only, and referred to Committee on Eudcation.

H. B. No. 58, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 59, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 60, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 61, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 62, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 63, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 64, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 65, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 66, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 67, read first and second times by title only, and referred to Committee on Railroads and Transportation.

MOTIONS AND RESOLUTIONS.

By Johnson of Ravalli:

Mr. Speaker:

Within the past twelve months, a distinguished citizen of this State passed to his rest. He acquired merited distinction in the profession of the law, which he followed as a calling. During his residence here, he was identified with every movement which spoke for good government, and high morals. He served the people as a member of this House, in the Eleventh Legislative Assembly, and theretofore in the First and Second Legislative Assemblies. In the death of the Hon. C. M. Crutchfield of Hamilton, Montana, the State has suffered a great loss. I move you that a Committee be appointed, consisting of three members, to prepare and present suitable resolutions.

Motion carried.

Mr. Speaker appointed the following committee:

Johnson of Ravalli, Woody and Whaley.

Also

Motion by Whaley:

I move that House Rule No. XXXVII be amended to read as follows:

RULE XXXVII.

The third reading of bills appropriating money shall be at length, and a suspension of this rule shall not be made. House and Senate measures reported by committees and accepted by the House shall, when correctly printed, constitute the General Orders. When House bills are ordered printed by less than a majority vote such bills shall not be placed on General Orders except upon motion carried by a majority of the members present. Bills in the General Orders shall be arranged therein by the clerk in the order in which they are reportd or referred thereto as aforesaid, and shall be considered in the same order unless the House directs otherwise.

Referred to Committee on Rules, Joint Rules and Order of Business.

Also

Duffy of Granite from the Committee on House Employes reported as follows:

We, your Committee on House Employes, beg leave to recommend the following names for appointment on these various committees:

State Institutions and Public Buildings—Miss Hennegar.

Corporations other than municipal—Miss Agnes Drew.

House Employes—Miss Lottie Smith.

Towns and Counties—Miss Lorena Moreley.

Report adopted.

Motion of O'Flynn that the Anaconda Standard be allowed to photograph the House on adjournment, prevailed.

There being no objection Mr. Speaker reverted back to order of Business No. 2.

NOTICE OF BILLS.

By Story: A Bill for an Act entitled, "An Act to amend Sections 953, 958 and 959, of the Revised Codes of Montana of 1907, relating to the examination and qualification of teachers, and to the grades of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College, and to repeal Section 964 of the Revised Codes of 1907."

By Duffy of Silver Bow: A Bill for an Act entitled, "An Act to amend Section 1739 of the Revised Codes of Montana, and extending the provisions thereof to cover all underground employment."

On motion of Lissner the House took a recess at 11:25 A. M. until 11:55 A. M.

HOUSE RESUMED.

Mr. Speaker in the chair.

JOINT SESSION.

At 12 o'clock Noon, the Honorable Senate appeared before the bar of the House, and was duly admitted and received.

Lieutenant Governor in the Chair.

The Secretary of the Senate called the roll of the Senate and found all present.

The Chief Clerk of the House called the roll of the House and found all present except Terrett.

The Secretary of the Senate read that section of Journal of the Senate of yesterday showing the ballot for United States Senator.

The Chief Clerk of the House read that section of Journal of yesterday showing the ballot for United States Senator.

Mr. President of the Senate then announced that the minutes just read show a vote in the Senate on yesterday as follows:

	Votes.
For Honorable Thomas H. Carter	9
For Honorable T. J. Walsh	7
For Honorable W. G. Conrad	4

For Honorable Wm. Lindsay 2
For Honorable J. W. Spear 1
For Honorable Geo. M. Bourquin 1
For Honorable T. M. Swindlehurst 1
For Honorable Charles N. Pray 1
For Honorable J. G. Bair 1
For Honorable Carl Rasch 1

Total 28

And show a vote in the House of yesterday as follows:

Votes.

For Honorable W. G. Conrad 14
For Honorable T. J. Walsh 21
For Honorable Thomas H. Carter 22
For Honorable O. F. Goddard 1
For Honorable T. M. Swindlehurst 1
For Honorable Alex Livingston 1
For Honorable B. F. White 2
For Honorable N. J. Humphrey 1
For Honorable Thomas C. Marshall 1
For Honorable Henry C. Smith 1
For Honorable John Hayes 1
For Honorable Thomas McTague 1
For Honorable Charles N. Pray 1
For Honorable Geo. N. Bourquin 2
For Honorable W. F. Meyer 1
For Honorable Ben B. Law 1

Total 72

Absent and not voting, Jacobson and Terrett—2.

Again in accordance with the provisions of Section XV, Title II, Chapter I, of the Revised Statutes of the United States, Mr. President directed that the Rolls of the Senate and House be called respectively and the members of the Joint Session announce their choice for United States Senator to succeed the Hon. Thos. H. Carter, whose term expires March 4, 1911.

After all the Joint Assembly had voted, the following result was announced:

SENATE ROLL CALL.

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant, Tooley—10.

For T. J. Walsh.—Dearborn, Duncan, George, Groff, Leary, Muffly, Stout—7.

For W. G. Conrad.—Cockrell, Gallway, McCarthy, Whiteside—4.

For J. W. Spear.—Burlingame—1.

For Geo. M. Bourquin.—Christopher—1.

For T. M. Swindlehurst.—Conrow—1.

For Charles N. Pray.—Everett—1.

For Wm. Lindsay.—McCone, Sykes—2.

For Carl Rasch.—Meyer—1.

Total—28.

HOUSE ROLL CALL.

For T. J. Walsh.—Ashbridge, Berry, Binnard, Byrnes, Crouch, Dobell, Donohue, Johnson of Ravalli, Law, Macdonald, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—22.

For W. G. Conrad.—Alley, Blackburn, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kirschwing, O'Flynn, Wheeler of Cascade and Mr. Speaker—12.

For T. H. Carter.—Bernard, Blake, Burt, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick and Williams—24.

For B. B. Law.—Baker—1.

For I. D. O'Donnell.—Bell—1.

For T. M. Swindlehurst.—Brady and Ebert—2.

For B. F. White.—Eliel and Murray—2.

For F. C. Webster.—Higgins—1.

For H. C. Smith.—Jordan—1.

For Thomas McTague.—Kammerer and Moore of Silver Bow—2.

For Dr. Scanlan.—Lissner—1.

For John Hayes.—McNally—1.

For G. M. Bourquin.—Stevens and Vaughn—2.

For W. F. Meyer.—Tolman—1.

Total—73.

Absent and not voting—Terrett—1.

The President of the Senate announced that there was no choice.

On motion of Senator McCarthy the Joint Assembly was dissolved, and the Senate retired from the body of the House.

HOUSE RESUMED.

Mr. Speaker in the Chair.

No objection being offered the House reverted back to Order of Business No. 2.

NOTICE OF BILLS.

By Hayes: A Bill for an Act entitled, "An Act defining the liability of persons or corporations operating any railroad in this State, for injuries received by employees thereof, or in consequence of the death of any such employee, by reason of negligence, and to declare void any contracts restricting such liability."

By Tolman: A Bill for an Act entitled, "An Act to change the name of Carbon County to Orchard County."

REPORT OF STANDING COMMITTEES.

Duffy of Granite of the Committee on House Employes reported the following:

Mr. Speaker:

We, your Committee on House Employes, beg leave to recommend the following names for appointment on these various committees:

Railroads and Transportation—Miss Gertrude Ashby.
Highways—Miss Beatrice Paulson.
Ways and Means—Miss Hester Hayes.
Affairs of Cities—Miss Ella Drennan.
On motion of Duffy of Granite the report was adopted.
On motion of Kirschwing the House adjourned at 12:45 P. M. to meet tomorrow at 10:30 A. M.

W. W. McDOWELL, Speaker.
Attest: FINLAY McRAY, Chief Clerk.

Eleventh Day.

Thursday, January 12, 1911.
House met pursuant to adjournment at 10:30 A. M.
Mr. Speaker in the Chair.
Prayer by Chaplain.
Roll called and all members found present except Terrett, who was absent on account of sickness.
On motion of Reel, the Journal of the Tenth Day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 11, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Notices of Introduction of Bills were this day given:

By Donlan: A Bill for an Act entitled, "An Act defining the powers and duties of the Register of State lands, and fixing his bond, creating the office of Receiver for State Lands, providing for his appointment, fixing his salary, and defining his powers and duties; providing that the State Board of Land Commissioners shall have power to appoint a clerk, and such other office force as may be necessary, and repealing Section XXII, of Chapter 147, laws of the Eleventh Legislative Assembly of the State of Montana, relating to the management and control of State Lands."

By Burlingame: A Joint Memorial to the Congress of the United States for the establishment of pleasure parks on the irrigation districts, and also naming Fort Shaw Military Post as one of said parks.

By Kessler: A Bill for an Act to amend paragraph 3 of Section 899, Revised Codes of 1907, relating to taking the school census and providing penalties.

By Burlingame: A Bill for an Act to create the office of State Sealer of Weights and Measures and providing the duties and powers relative to the inspection and sealing of weights and measures, and providing penalties for the violation thereof."

By McCarthy: A Bill for an Act entitled, "An Act relating to the qualifications of teachers."

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, January 11, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following bills were today read first and second times and referred:

Senate Bill No. 44, by Edwards: A Bill for an Act prohibiting Surety Companies from exacting Indemnity Bonds or Security from State, County or City Officials before furnishing Official Bonds, and providing penalty. Referred to Committee on Judiciary.

Senate Bill No. 45, by Edwards: A Bill for an Act entitled, "An Act to amend Section 899 of the Revised Codes of 1907, relating to the duties and compensation of the clerks of School Districts, and adding further duties to School District Clerks." Referred to Committee on Education.

Senate Bill No. 46, by Everett: A Bill for an Act entitled, "An Act to cede Jurisdiction over 'The Glacier National Park,' to the United States, and for other purposes." Referred to Committee on Federal Relations.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

NOTICES OF BILLS.

By Woody: A Bill for an Act entitled, "An Act providing that cities may install upon any of its streets or avenues any special system or systems of street lighting and assess the cost of installation and maintenance thereof, or any part thereof, against the property directly benefitted thereby."

By Woody: A Bill for an Act entitled, "An Act to change the name of 'Ravalli County' to that of 'Red McIntoch County.'"

By Gray: A Bill entitled, "An Act to create the County of Lake, designate its boundaries, and provide for its organization and government, and to change the boundaries of Missoula, Sanders and Flathead Counties to conform thereto."

By Gray: A Bill entitled, "An Act to amend Section 4423 of the Revised Codes of 1907, in relation to the ownership of certain wild animals and providing for the disposition of the same."

By Murray: A Bill for an Act entitled, "An Act to create the County of Stillwater, designating and defining its boundaries, and to provide for its organization and government, and to apportion the indebtedness existing between said County of Stillwater and the Counties of Sweetgrass, Carbon and Yellowstone."

By Gray: A Bill entitled, "An Act to amend Section 5773 Revised Codes of 1907, in relation to 'Mortgages on growing crops,' and providing for a notice from the mortgager to the purchaser of mortgaged

property, and for a penalty for a failure to do so, and providing that the purchaser of mortgaged grain shall retain the purchase price for the benefit of the mortgagee, and providing a penalty for the failure to do so, and to repeal all acts and parts of acts in conflict therewith."

REPORTS OF STANDING COMMITTEES.

Reel of the Committee on Journal reported as follows:

Helena, Montana, January 12, 1911.

Mr. Speaker:

Your Committee on Journal beg leave to report that they have selected Frank E. Carlton as the expert stenographer in accordance with resolution passed by the House.

On motion of Reel report was adopted.

Baker of the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred Senate Joint Resolution No. 2 beg leave to report same back to the House as correctly printed.

On motion of Baker, report adopted.

McQuitty of the Committee on Federal Relations reported as follows:

We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 2, recommend that the same pass.

On motion of McQuitty the report was adopted, and House Joint Resolution No. 2 was referred to Printing Committee.

Byrnes of the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads ad Transportation to whom was referred House Bill No. 5, being a Bill for "An Act entitled, an Act to permit Railroad Companies to carry free or at reduced rates, persons and property in certain cases," beg leave to report the same back to the House with the recommendation that the following amendments be made:

1st—Amend Section 1, line 13, by adding after the word "Railroads" the words "and the members of their families," making the sentence read "officers and employees of other railroads and the members of their families, upon exchange of passes or tickets."

2nd.—Amend Section 1, line 23, by adding after the word "newspapers," the words "or the members of their families," making the sentence read "the employees of newspapers or the members of their families in exchange for advertising."

And with the above amendments we recommend that the bill do pass.

On motion of Byrnes the report was adopted, and House Bill No. 5 as amended was referred to Printing Committee.

Herbold of the Committee on Livestock and Ranges reported as fellows:

Mr. Speaker:

We your committee on Livestock and Ranges to whom was referred Senate Concurrent Resolution No. 2, relative to a further and more thorough investigation into existing conditions in the conduct and affairs of the office of the State Board of Stock Commissioners and their method of receiving, recording and distributing the State Estray Fund beg leave to recommend that the same be adopted.

On motion of Herbold the report was adopted, and Senate Concurrent Resolution No. 2 was referred to Printing Committee.

REPORT OF SELECT COMMITTEES.

Dobell of the Committee appointed to segregate the Governor's message reported as follows:

Mr. Speaker:

Your Committee, appointed to segregate the message of the Governor and refer the different recommendations to the proper Committee of the House, beg leave to make their report and recommend as follows:

Enforcement of the Law be referred to Judiciary Committee.

Criminal Procedure to Judiciary Committee.

Desertion of Family to Judiciary Committee.

Finances to Ways and Means Committee.

Primary Elections to Privileges and Elections Committee.

Livestock Interests to Livestock and Public Ranges Committee.

Weights and Measures to Affairs of Cities.

Food Inspection to Sanitary Affairs Committee.

Examinatoin of Private Banks to Banks and Banking Committee.

Reports of officers and Boards to State Boards and Officers Committee.

Apportionment and Representation to Apportionment and Representation Committee.

Publicity Department to the Committee on Development and Publicity.

State Examiner to State Boards and Officers Committee.

Boiler Inspector to Committee on State Boards and Officers.

Bureau of Child and Animal Protection to State Boards and Officers Committee.

Horticultural Inspection to Horticulture Committee.

Commission Form of Government to Committee on Affairs of Cities.

Ventilation and Sanitation of Mines to the Mines and Mining Committee.

Capital Stock and Debts of Corporations to Committee on Corporations other than Municipal.

Public Service Commission to Committee on Corporations other than Municipal.

Tax Commission to Ways and Means Committee.

State Institutions to Committee on State Institutions, Public Buildings and Grounds.

National Guard to Committe on Military Affairs.

Administration of Estray Stock Fund to Livestock and Public Ranges Committee.

Pollution of Streams to Irrigation and Water Rights Committee.

On Motion of Dobell report was adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Duffy of Granite, H. B. No. 68: "An Act authorizing the State Game and Fish Warden to appoint a Chief Deputy, defining his powers and duties; and amending Section 1968, Revised Codes of 1907, relating to the compensation of Deputy State Game and Fish Wardens."

By Law, H. B. No. 69: A Bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to Section VI, of Article 13, of the Constitution of the State of Montana, relating to the indebtedness of cities."

By Blackburn, H. B. No. 70: A Bill for an Act entitled, "An Act to provide for the government of certain cities, and the adoption thereof by special election, additional to Part IV, Title III, Revised Codes of the State of Montana."

By Schwartz, H. B. No. 71: A Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty Dollars ($250.00) for the payment of the deficiency claim of Dr. D. S. McKenzie, for services as Meat and Milk Inspector in Chouteau County, from December 1, 1904, to March 31, 1905, inclusive."

By Bell, H. B. No. 72: A Bill for an Act authorizing the division of school districts having more than one school building."

By Woody, H. B. No. 73: A Bill for an Act entitled, "An Act to secure and perpetuate liens upon chattels for labor, skill and material expended thereon, and providing for the enforcement thereof."

By Berry, H. B. No. 74: A Bill for an Act entitled, "An Act relating to the exemption of the earnigs of a judgment debtor for personal services rendered where such debtor is married or is the head of a family."

By Johnson of Lewis and Clark, H. B. No. 75: A Bill for an Act entitled, "An Act to appropriate moneys for the payment of outstanding bounty certificates."

By Word, H. B. No. 76: A Bill for an Act relating to costs in contempt proceedings.

By Byrnes, H. B. No. 77: A Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary, and defining his duties, and defining the duties and powers of certain other officials in relation thereto.

By Story, H. B. No. 78: A Bill for an Act entitled, "An Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana, of

1907, relating to the examination and qualification of teachers, and to the grades of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College, and to repeal Section 964 of the Revised Codes of 1907."

By O'Flynn, H. B. No. 79: A Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana, relating to licenses."

By Moore of Valley, H. B. No. 80: A Bill for an Act entitled, "An Act to amend Section 2760 of the Revised Codes of the State of Montana of 1907, relating to the issuance of licenses to retail liquor dealers."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 68, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 69, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 70, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 71, read first and second times at length, and referred to Committee on Appropriations.

H. B. No. 72, read first and second times by title only, and refered to Committee on Education.

H. B. No. 73, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 74, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 75, read first and second times at length, and referred to Committee on Livestock and Public Ranges.

H. B. No. 76, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 77, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 78, read first and second times by title only, and referred to Committee on Eudcation.

H. B. No. 79, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 80, read first and second times by title only, and referred to Committee on Townships and Counties.

MESSAGES FROM SENATE.

The following communications from the Senate were received and read:

Senate Chamber, Helena, Montana, January 11, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that Senate Joint Resolution No. 1, and Senate Joint Memorial No. 1, having been read three several times and passed, are hereby transmit-

ted to your Honorable Body for concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 11, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No. 2, having been read three several times and passed as amended, is herewith transmitted to your Honorable Body for concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate

Senate Joint Resolution No. 1, read first and second times by title only, and referred to Committee on Privileges and Elections.

Senate Joint Memorial No. 1, read first and second times by title only, and referred to Committee on Federal Relations.

Senate Joint Memorial No. 2, read first and second times by title only and referred to Committee on Federal Relations.

There being no objection, Mr. Speaker reverted back to the second order of business.

NOTICE OF BILLS.

By Binnard: A Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterment of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912."

By Owenhouse: A Bill for an Act entitled, "An Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana, of 1907, relative to the issuance of State and Life Certificates."

By Donohue: A Bill for an Act entitled, "An Act to prohibit discrimination between different sections, communities and localities, unfair competition, and providing penalties for the violation thereof."

By Paul: A Bill for an Act entitled, "An Act fixing and allowing to Executors and Administrators the amount they shall be allowed for Attorneys' fee."

At this time Mr. Speaker announced that he had added the names of Dr. Macdonald and Dr. Jordan to the Committee on Sanitary Affairs.

Duffy of Granite from the Committee on House Employees reported as follows:

Mr. Speaker:

We, your Committee on House Employees, beg leave to recommend the following names for appointment on these various Committees:

Fairs and Expositions, Improvements and Manufacturing, Dairying, Military Affairs—Miss Josephine Talon.

Livestock—J. O'Leary.

Labor—Mrs. Featherly.

Irrigation and Water Rights—Miss Sallie McMahon.

On motion of Duffy of Granite, report was adopted.

On motion of Hewett, recess was taken at 11:30 A. M. to 11:55 A. M.

HOUSE RESUMED.

Mr. Speaker in the chair.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found to be present.

All the members of the House were found to be present except Terrett.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States. It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate, with the following result:

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, Muffley, Stout and Whiteside—8.

For W. G. Conrad—Cockrell, Gallway and McCarthy—3.

For E. H. Cooney—Burlingame—1.

For H. C. Smith—Christopher—1.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—Everett and Sykes—2.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For W. G. Conrad—Alley, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Kirschwing, Lissner, O'Flynn, Wheeler of Cascade and Mr. Speaker—15.

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Grouch, Donohue, Ebert, Johnson of Ravalli, Law, Macdonald, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—23.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz,

Story, Swick and Williams—25.
For B. B. Law—Baker—1.
For J. R. Goss—Bell—1.
For C. H. Hall—Higgins—1.
For H. C. Smith—Jordan—1.
For John Hayes—McNally—1.
For Tom McTague—Moore of Silver Bow—1.
For G. M. Bourquin—Slayton, Stevens and Vaughan—3.
For W. F. Meyer—Tolman—1.
Total—73.
Absent and not voting, Terrett—1.

The Secretary of the Senate thereupon announced the following resutl:

	Votes.
For T. H. Carter	35
For T. J. Walsh	31
For W. G. Conrad	18
For E. H. Cooney	1
For H. C. Smith	2
For T. M. Swindlehurst	1
For C. N. Pray	2
For Wm. Lindsay	1
For Carl Rasch	1
For B. B. Law	1
For J. R. Goss	1
For G. H. Hall	1
For John Hayes	1
For Tom McTague	1
For C. M. Bourquin	3
For W. F. Meyer	1
Total	101
Absent and not voting, Terrett	1
Grand Total	102

The President thereupon announced no election and on motion of Senator Whiteside the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the Chair.

No objection being offered, Mr. Speaker referred back to the Fifth Order of Business.

INTRODUCTION OF BILLS.

On motion of Law, unanimous consent was given him to introduce a bill without previous notice.

By Law, H. B. No. 81: A Bill for an Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating

to the employment of City Superintendents of Schools, term of employment and source of compensation."

By Slayton, H. B. No. 82: A Bill entitled, "An Act permitting the incorporation of Banks of Discount and Deposit with a capital stock of not less than Ten Thousand Dollars ($10,000.00)."

By Owenhouse, H. B. No. 83: A Bill for an Act entitled, "An Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana of 1907, relative to the issuance of State and Life Certificates."

By McNally, H. B. No. 84: A Bill for an Act entitled, "An Act regulating and limiting the hours of employment for female employees, and governing the conditions under which female employees shall work in certain industries, and providing penalty for violation thereof."

READING OF BILLS.

H. B. No. 81, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 82, read first and second times by title only, and referred to Committee on Banks and Banking.

H. B. No. 83, read first and second times by title only, and referred to Committee on Education.

H. B. No. 84, read first and second times by title only, and referred to Committee on labor.

Word moved that when the House was prepared to meet in Joint Session in future, that the roll of the House be called at least ten minutes before such Joint Session convened so as to give the members of the House ample notice that the Joint Session was about to begin.

Motion was adopted.

There being no objection, Mr. Speaker reverted back to the Second Order of Business.

NOTICE OF BILLS.

By Wheeler of Cascade: A Bill entitled, An Act to create the county of Daly, designate its boundaries and provide for its organization and government, and to change the boundaries of Chouteau and Cascade Counties to conform thereto.

By Berry: A Bill for an Act entitled, An Act relating to the qualifications of teachers and the granting of teachers' certificates to graduates of the University of Montana.

On motion of Eliel, the House adjourned at one o'clock P. M. to meet tomorrow at 10:30 A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Twelfth Day.

Friday, January 13, 1911.

House met pursuant to adjournment at 10:30 A.M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Terrett.

On motion of Reel, the Journal of the Eleventh Day as read was approved.

NOTICE OF BILLS.

By Holter: A Bill for an Act entitled, "An Act to require the instruction of pupils in public, private and parochial schools in fire dangers and means of prevention thereof."

By Sarter: A Bill entitled, "A Bill for an Act regulating the sale of coal, charcoal and coke within the State of Montana, and providing penalties for the violation thereof."

By Tolman: A Bill entitled, "A Bill for an Act to amend Sections 476 and 480 of the Revised Codes of the State of Montana, relating to registration of voters."

By Grubb: A Bill entitled, "An Act to provide for the acquisition of land for the use of County Fair Associations, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907."

By Vaughan: A Bill for an Act entitled, "An Act to provide for the districting of the State of Montana, the appointment of four additional Deputy State Veterinary Surgeons, fixing their qualifications, duties and compensation; providing for the testing of bovine animals, their quarantine, destruction, and disposition under the general supervision of the Livestock Sanitary Board."

By Donohue: A Bill for an Act entitled, "An Act to regulate the manufacture and sale of dairy products and imitation of dairy products in the State of Montana, defining dairy products and adulterations thereof; providing for the employment of a Dairy Specialist at the Montana State Agricultural College; defining his duties and appropriating money therefor, and providing penalties for the violation of the provisions of this Act."

By Eliel: A Bill for an Act entitled, "An Act to authorize County Commissioners to furnish copies of the Revised Codes of the State of Montana, and other supplies, to Justices of the Peace."

By Wheeler of Silver Bow: A Bill for an Act entitled, "An Act relating to coal dealers, requiring them to weigh all coal upon public scales, and requiring them to take out a license before engaging in the business of selling coal, and providing a penalty for the violation of this Act."

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 33, entitled, "A Bill for an Act to provide for the payment of the actual necessary expenses of the Judges of the District Court when holding court in any county not the county of residence of such judge," recommend that the same do not pass for the reason that it appears to be in conflict with Section 30, Article 8 of the Constitution of the State of Montana.

Report adopted.

Wheeler of Silver Bow, from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary ot whom was referred House Bill No. 44, entitled, "A Bill for an Act to amend Section 7121 of the Revised Codes of Montana, providing for appeals from Justice or Police Courts," having had the same under consideraion, recommend that it do pass with the title amended to read as follows:

"An Act to amend Section 7121 of the Revised Codes of Montana of 1907 providing for appeals from Justice and Police Courts."

Report adopted.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 51, entitled, "A Bill for an Act to amend Section 8312 of the Revised Codes, in relation to assault in the first degree, and to define and punish such assault," having had the same under consideration recommend that it do pass.

Report adopted.

Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs, to whom was referred House Bill No. 34, introduced by Donohue, being a Bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale, of any adulterated or misbranded foods or drugs," having had the same under consideration, beg leave to report that the same do pass.

Report adopted.

Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs to whom was referred House Bill No. 27, introduced by Macdonald, being a Bill for an Act entitled, "An Act to regulate the dispensing, sale and giving away of Opium, Morphine, Alkaloid-cocaine or Alpha or Beta Eucaine, or any derivative mixture or preparation of any of them, the prescribing of the

same by licensed physicians, providing penalty for the violation thereof, and repealing all acts and parts of acts in conflict herewith," having had the same under consideration, beg leave to report back to the House that the same do pass.

Report adopted.

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 32, a Bill for an Act entitled, "An Act making an appropriation for the expenses of the Farmers' Institute for the months of January and February, 1911," having had said bill under consideration, desire to report favorably on said bill and recommend that the same do pass.

Report adopted.

Blackburn, from the Committee on Appropriations, reported as follows:

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 8, a Bill for an Act entitled, "An Act appropriating money for the eradication of orchard pests and diseases from orchards in the State of Montana," having had said bill under consideration, desire to report favorably on said bill and recommend that the same do pass.

Report adopted.

Wheeler of Silver Bow from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 47, being a Bill for an Act entitled, "An Act to amend Section 6385 of the Revised Codes of Montana, relating to the right to practice law in the Courts of this State," beg leave to report as follows:

We recommend that it do pass with the following amendment

Amend Section 1 by striking out the words found in said Section after the word "Country," line 7 down to and including the word "Jurisprudence," line 8, the words so to be stricken out being the following: "Where the common law of England constitutes the basis of jurisprudence."

Report adopted.

Tolman was excused until Monday on account of important business.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Vaughan, H. B. No. 85: A Bill for an Act entitled, "An Act providing for the construction of paddle wheels in all irrigating ditches, and ditches conveying water from any of the streams in the State of Montana; and providing a penalty for the violation thereof."

By Wheeler of Silver Bow, H. B. No. 86: A Bill for an Act entitled, "An Act defining and relating to wage brokers, regulating assignment of wages and salaries as securities for loans and fixing a

maximum rate of interest for loans upon wages and salaries and providing penalties for violation thereof."

By Berry, H. B. No. 87: A Bill for an Act entitled, "An Act relating to qualifications of teachers and granting of teachers' certificates to graduates of the University of Montana."

By Binnard, H. B. No. 88: A Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterment of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912."

By Sarter, H. B. No. 89: "A Bill for an Act regulating the sale of coal, charcoal and coke within the State of Montana, and providing Penalties for the violation thereof."

By Byrnes, H. B. No. 90: A Bill for an Act entitled, "An Act to amend Section 8789 of the Revised Codes of 1907, relating to the placing of saw dust in streams, lakes or ponds."

By Eliel, H. B. No. 91: A Bill for an Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of Court in certain cases, and prescribing his or their duties and compensation.

By Murray, H. B. No. 92: A Bill for an Act entitled, "An Act to create the County of Stillwater, designating and defining its boundaries, and to provide for its organization and government, and to apportion the indebtedness existing between said County of Stillwater and the Counties of Sweet Grass, Carbon and Yellowstone."

By Donohue, H. B. No. 93: A Bill for an Act entitled, "An Act to prohibit discrimination between different sections, communities and localities, unfair competition and providing penalties for the violation thereof."

By Wheeler of Silver Bow, H. B. No. 94: A Bill for an Act entitled, "An Act invalidating the assignment or transfer of unearned wages or salary and regulating assignments and transfers of salary."

By Hayes, H. B. No. 95: A Bill for an Act entitled, "An Act defining the liaility of persons or corporations operating any railroad in this State for injuries received by employees thereof, or in consequence of the death of any such employee by reason of negligence and to declare void, contracts restricting such liability."

By Higgins, H. B. No. 96: A Bill for an Act entitled, "An Act to create and establish a law school at Missoula, to be conducted and operated as a department of the University of Montana, to provide a name and to make an appropriation therefor."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 85, read first and second times by title only, and referred to the Committee on Waterways and Navigation.

H. B. No. 86, read first and second times by title only, and referred to the Committee on Judiciary.

H. B. No. 87, read first and second times by title only, and referred to the Committee on Education.

H. B. No. 88, read first and second times at length and referred to the Committee on Fish and Game.

H. B. No. 89, read first and second times by title only, and referred to the Committee on Internal Improvements.

H. B. No. 90, read first and second times by title only, and referred to the Committee on Irrigation and Water Rights.

H. B. No. 91, read first and second times by title only, and referred to the Committee on Judiciary.

H. B. No. 92, read first and second times by title only, and referred to the Committee on New Counties and Divisions.

H. B. No. 93, read first and second times by title only, and referred to the Committee on Corporations other than Municipal.

H. B. No. 94, read first and second times by title only, and referred to the Committee on Labor.

H. B. No. 95, read first and second times by title only, and refered to the Committee on Judiciary.

H. B. No. 96, read first and second times only, at length and referred to the Committee on Judiciary.

H. B. No. 96, read first and second times at length and referred to the Committee on State Institutions.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 12, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, on motion by Everett, seconded by Kessler, a Committee on Rules of the Senate be authorized to act with a Committee on Rules of the House, as a Committee on Joint Rules of the two Houses; Secretary of Senate instructed to inform House of same.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 12, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of Introduction of Bills were this day given:

By Whiteside: A Bill for an Act entitled, "An Act to prohibit the adulteration of insecticides and fungicides."

By McCarthy: A Bill for an Act entitled, "An Act to promote industrial education."

By Muffly: A Bill to amend the game laws of the State, and prohibit the Game Warden of the State from issuing local licenses to persons not citizens of the United States to hunt and fish within the State.

By Everett: A Bill for an Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 3, of Article XII of the Constitution, relating to the taxation of mines and mining claims.

By Survant: A Bill for an Act to amend Chapter IV, Title XIV, of the Revised Codes of Montana, entitled "Miscellaneous Liens" by adding thereto Sections 5818 a, 5818 b. 5818 c, 5818 d, and 5818 e, in relation to seed liens and the enforcement thereof.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 12, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day read first and second times, and referred:

Senate Bill No. 47, by Kessler: A Bill for an Act to amend Paragraph three of Section 899, Revised Codes of 1907, relating to taking the School Census and providing penalties. Referred to Committee on Education.

Senate Bill No. 48, by Donlan: A Bill for an Act entitled, "An Act defining the powers and duties of the Register of State Lands, and fixing his bond, creating the office of Receiver for State Lands, providing for his appointment, fixing his salary, and defining his powers and duties; providing that the State Board of Land Commissioners shall have power to appoint a clerk, and such other office force as may be necessary, and repealing Section XXII, of Chapter 147 of the Eleventh Legislative Assembly of the State of Montana, relating to the management and control of State lands." Refered to Committee on Public Lands.

Senate Bill No. 49, by McCarthy: A Bill for an Act entitled, "An Act relating to the qualifications of teachers and registration of certificates and to amend Section 901, Revised Codes of Montana of 1907, relating to certificates and qualifications of teachers and to amend Section 908 Revised Codes of Montana, 1907, relating to qualifications of teachers." Referred to Committee on Education.

Senate Bill No. 50, by Muffly: A Bill for an Act entitled, "An Act to regulate and control corporations, companies, associations, and persons owning, controlling, or operating a line or lines, a system or systems of telegraph or telephones, in whole or in part, within this state, and to charge, fix, determine and regulate the rates, fares, rentals, tolls, charges, classifications, regulations and conditions to be imposed, and services affecting the transmittal and delivery of messages, and the rents and charges for the use of any such line, or lines, system or systems, instrument or instruments, or appliances, and placing such corporations, companies, associations, and persons under the control of the Board of Railroad Commissioners of this State, and giving and imposing upon said Board powers and duties to change, fix, determine and regulate such rentals, charges, fares, tolls, classifications and services, together with the power and duty to fix, change, determine and regulate the conditions and restrictions imposed, and services rendered by such corporations, companies, associations and

persons, also to prevent discriminations." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 51, by Donlan: A Bill for an Act entitled,, "An Act providing for the location, management, and conduct of The Montana State Fair, and repealing Chapter VIII, of Part III, Title V, of the Revised Codes of 1907," Referred to Committee on Fairs and Expositions.

Senate Bill No. 52, by Donlan: A Bill for an Act entitled, "An Act to prevent the seduction and prostitution of women and girls, and providing punishment therefor; and to prevent the receipt of money or other valuable thing, from women engaged in prostitution, and prescribing punishment therefor; and to repeal Sections 8341 and 8342 of the Revised Codes of 1907." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 53, by Burlingame: A Bill for an Act requiring the registration of all trained nurses, providing a Board of Regisrtation and Examination, fixing the number, duties and qualifications of said Board, and providing for the Registration of nurses, providing penalties for violations of said Act. Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 54, by Burlingame: A Bill for an Act to create the office of State Sealer of Weights and Measures and providing the duties and powers relative to the inspection and sealing of weights and measures, and providing penalties for the violation thereof." Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 12, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, Senate Joint Memorial No. 3, introduced by Edwards was read and referred to Committee on Federal Relations, recommended favorably by the Committee on Federal Relations, report adopted and by unanimous consent considered printed, and engrossed, and placed on final passage, and was read a third time and passed and is herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Joint Memorial No. 3, read first and second times at length and placed on file.

On motion of Eliel, Senate Joint Memorial No. 3 was considered engrossed and under the suspension of rules was placed on file for third reading.

Senate Joint Memorial No. 3, having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Black-

burn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—68.

Noes—None.

Absent and not voting—Hewett, Moore of Silver Bow, Ralston, Terrett, Tolman and Woody—6.

Mr Speaker announced that by a majority of the vote of the House, Senate Joint Memorial No. 3 was concurred in.

GENERAL ORDERS.

On motion of Eliel, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Eliel in the Chair.

House resumed.

Mr. Speaker in the chair.

Eliel from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Joint Resolution No. 2 beg leave to report as follows:

Having had same under consideration, report same back to the House with recommendation that same shall be concurred in.

On motion of Eliel the report was adopted.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICE OF BILLS.

By Duffy of Granite: A Bill for an Act entitled, "An Act providing for the submission to the qualied electors of the State of Montana, of an amendment to Article IX, of the Constitution of the State of Montana, by adding a new Section to be numbered Section 14, of said Article, providing for the recall of public officers."

By Vaughan: A Bill for an Act entitled, "An Act to regulate common carriers, and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana certain powers in relation thereto."

By Eliel: A Bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depositary wherein the person so giving such check or draft shall not have sufficient funds or credit for the payment of the same."

By Eliel: A Bill for an Act entitled, "An Act to punish derogatory statements affecting banks."

By Higgins: A Bill for an Act entitled, "An Act to amend Section 673 of the Revised Codes of the State of Montana, 1907, relating

to the duties of the President of the State University and changing the date for filing annual report."

By Higgins: A Bill for an Act entitled, "An Act to provide for an additional Judge in the Fourth Judicial District of the State of Montana, and providing a salary for said Judge."

On motion of Duffy of Silver Bow, Mr. Speaker reverted back to the fifth order of business.

INTRODUCTION OF BILLS.

By Duffy of Silver Bow, H. B. No. 97: A Bill for an Act entitled, "An Act to amend Section 1736 of the Revised Codes of 1907, relating to Hours of Labor."

READING OF BILLS.

H. B. No. 97, read first and second times by title only, and referred to the Committee on Judiciary.

There being no objection, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

Your Committee on Townships and Counties having under consideration House Bill No. 9, the same being a Bill for an Act entitled, "An Act to prohibit in Montana the sale or giving away of cigarettes and cigarette material," do hereby return said Bill to the House with the recommendation that the same do not pass.

Report adopted.

In accordance with the motion of Word of yesterday, the Chief Clerk called the roll at ten minutes of twelve and found all present except Terrett and Tolman.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found to be present.

All the members of the House were found to b present except Terrett and Tolman.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following resutl:

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, Muffly, Stout and Whiteside—8.

For W. G. Conrad—Cockrell, Gallway and McCarthy—3.

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For J. D. Waite—Burlingame—1.

For E. K. Cheadle—Christopher—1.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—Everett—1.

For Wm. Lindsay—McCone and Sykes—2.

For Carl Rasch—Meyer—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Ebert, Johnson of Ravalli, Kammerer, Law, Macdonald, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel Whaley, Wheeler of Silver Bow, Woody and Word—23.

For W. G. Conrad—Alley, Baker, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, O'Flynn, Wheeler of Cascade and Mr. Speaker—14.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Story, Swick and Williams—24.

For F. J. Arkins—Bell—1.

For G. M. Bourquin—Higgins—1.

For L. L. Calloway—Jordan and Murray—2.

For Wm. Cluston—Kirschwing—1.

For John Hayes—McNally—1.

For James Healy—Moore of Silver Bow—1.

For E. K. Cheadle—Slayton, Stevens and Vaughan—3.

For M. M. Duncan—Tuttle—1.

Total—72.

Absent and not voting—Terrett and Tolman—2.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	31
For W. G. Conrad	17
For T. H. Carter	34
For J. D. Waite	1
For E. K. Cheadle	4
For T. M. Swindlehurst	1
For C. N. Pray	1
For Wm. Lindsay	2
For Carl Rasch	1
For F. J. Arkins	1
For G. M. Bourquin	1

For L. L. Calloway 2
For Wm. Cluston 1
For John Hayes 1
For James Healy 1
For M. M. Duncan 1

Total 100
Absent and not voting, Terrett and Tolman. 2

Grand Total 102

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Woody moved that when the House adjourns tomorrow, it adjourn at 12:30 P. M. until 11 A. M. Monday, January 16. Motion prevailed.

On motion of Woody, recess was taken at 12:25 P. M. until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 P. M.

Mr. Speaker in the chair.

Roll called and all members found present except Stevens, Terrett and Tolman.

NOTICE OF BILLS.

By Dobell: A Bill for an Act entitled, "An Act to amend Section 6337 of the Revised Codes relating to the qualifications and exemptions of jurors."

By Dobell: A Bill for an Act entitled, "An Act with reference to the empanelling of a jury in trial in civil actions."

By Law: A Bill for an Act entitled, "An Act appropriating money for the erection of greenhouses and farm buildings at the Montana Agricultural Experiment Station at Bozeman."

By Blake: A Bill for an Act repealing Chapter 142 of the Session Laws of 1909, being, "An Act authorizing persons who are the owners, lessees or who otherwise control the land surrounding any lakes or ponds in the State of Montana, and who have established Fish Hatcheries on the shores of such lakes or ponds, to catch fish therein, and to sell or offer for sale the same, and to ship same within the State of Montana, prohibiting the shipping and sale of such fish out of the State, and providing punishment for the violation of this Act."

By Blake: A Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of 1907, relating to the employment of a director of the State Fish Hatchery and providing for his salary."

By Higgins: A Bill for an Act entitled, "An Act creating demonstration farms in the following valleys in the State of Montana, to-

wit: Mission Valley; Missoula Valley; Flint River Valley and the Deer Lodge Valley, and appropriating money therefor."

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Kirschwing, H. B. No. 98. A Bill for an Act entitled, "An Act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers, resident therein."

READING OF BILLS.

The following bills was taken from the file:

H. B. No. 98, read first and second times by title only and referred to the Committee on Apriculture.

No objection being offered, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES

Duffy of Granite of the Committee on Employees reported as follows:

Mr. Speaker:

We, your Committee on House Employees, beg leave to recommend the following names for appointment on various committees:

Federal Relations, Internal Improvements, Conservation of Resources—Miss Edna Caine.

Engrossment Committee—Mr. Dell McConnell, Miss Tilda Julison.

Law Clerk—Miss Mabel Briggs.

Assistant to Journal Clerk—Miss Bernice Bushnell.

Reading Clerk—Charles Z. Pond.

Assistant Janitor—Mr. John Nangle.

Joint Page to the Judiciary and Appropriations Committees—Emmet Sullivan.

Report adopted.

Crouch of the Sommittee on Privileges and Election reported as follows:

Mr. Speaker:

We, your Committee on Privileges and Elections having had under consideration the matter of the contested seat of James C. Duffy of Granite County by Hugh T. Cumming, recommend that Mr. Duffy be declared a member of the House of Representatives and that the proceedings be dismissed.

Report adopted.

Mr. Speaker announced that pursuant to a resolution adopted today that he appointed Gillis, Word and Story as the Committee to visit the State Insane Asylum at Warm Springs for the purpose of appraising the valuation of the property, and said Committee to consider any other matters that might properly come before it.

Mr. Speaker also announced that he had made the following additions to Standing Committees of the House:

Ralston to the Committee on Live Stock and Public Ranges.

Murray to the Committee on Education.

On motion of Hickey, Mr. Reinig, the photographer, was given permission to photograph the House after adjournment.

The following resolution was read:

Helena, Montana, January 13, 1911.

Mr. Speaker:

We, your Committee, appointed to prepare resolutions on the death of the Hon. Charles M. Crutchfield, of Ravalli County, beg leave to submit the following:

WHEREAS: In the disposition of a wise and omnipotent Providence it has pleased Him to take from the scenes and activities of life the Honorable Charles M. Crutcfield, an honored and respected member of the First, Second, Sixth and Eleventh Legislative Assemblies of the State of Montana, who departed this Life at Hamilton, Montana, on the 26th day of August, 1910; and,

WHEREAS: The late Charles M. Crutchfield was always keenly alive to the best interests, and was always intensely active in advancing the welfare of the people of his adopted State; and,

WHEREAS: Many wise and beneficial laws now on our Statute Books bear witness to his ability as a lawyer, and to his discerning mind and sound judgment; and,

WHEREAS: For his unquestioned integrity, honesty and ability and his unfailing courtesy he was loved and honored by thousands of his fellow citizens:

THEREFORE BE IT RESOLVED: That in the death of the Honorable Charles M. Crutchfield the State of Montana has suffered the loss of one of its most loyal, energetic and honored citizens; the community in which he lived a kind and courteous neighbor; and his family a loving and affectionate husband and father;

AND BE IT FURTHER RESOLVED: That we hereby express our heartfelt sympathy to his bereaved wife and children; that these resolutions be spread upon the journal of the House and an engrossed copy be forwarded to his family; and that, as a further mark of our respect to his memory we do now adjourn for the day.

Respectfully submitted,

GEO. W. JOHNSON,
FRANK WOODY,
W. C. WHALEY,
Committee.

On motion of Johnson of Ravalli, the resolutions were adopted, and the House thereupon adjourned.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Thirteenth Day.

Saturday, January 14, 1911.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Terrett and Tolman.

On motion of Reel, the Journal of the Twelfth Day as read was approved.

NOTICES OF BILLS.

By Paul: A Bill for an Act entitled, "An Act requiring the County Assessor to furnish certified copies of his assessment book as to all property within the limits of incorporated cities and towns, and providing for his renumeration therefor."

By Tuttle: A Bill for an Act entitled, "An Act to amend Chapter 86, Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment by the State Board of Examiners of a State Accountant, to examine the books and financial affairs of State Institutions, defining his duties, and fixing his salary."

By Ralston: A House Joint Memorial to Congress, praying for the enactment of Legislation that will relieve the surviving soldiers (or their widows), who served in the Indian Wars from 1865 to 1883.

By Jordan: A Bill for an Act entitled, "An Act to amend Section 1500, Revised Codes of Montana 1907, defining the term "Communicable Disease."

By Jordan: A Bill for an Act entitled, "An Act providing for the establishment, maintenance and conduct of an institution in connection with the State Insane Asylum for the care and treatment of indigent persons suffering from mental affliction occasioned by the use of drugs or intoxicants."

By Jordan: A Bill for an Act entitled, "An Act to amend Section 1144 of the Revised Codes of 1907, and to provide for the payment of fees and mileage of physicians in Insanity Examinations."

By Jordan: A Bill for an Act entitled, "An Act appropriating money for the establishment of a State Sub-Experimental Station of the Agricultural College to be located and maintained in Madison County."

By Berry: A Bill for an Act entitled, "An Act to amend Section 3531 of the Revised Codes of Montana of 1907, relating to Townsites."

By Vaughan: A Bill for an Act entitled, "An Act to establish a State Laboratory at the Montana Agricultural Experiment Station; and to define the aim and scope of the work to be performed, and providing for the administration; and to make appropriation for the establishment and maintenance thereof."

REPORTS OF STANDING COMMITTEES.

Baker, of the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Joint Resolution No. 2 report same back to the House as correctly printed.

Also

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 5 report same back to the House as correctly printed.

There being no objection offered, Mr. Speaker reverted back to the fourth order of business.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Grubb, H. B. No. 99: A Bill for an Act entitled, "An Act to provide for the acquisition of land for the use of County Fair Association, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana, 1907."

By Gray, H. B. No. 100: A Bill for an Act entitled, "An Act to amend Section 4423 of the Revised Codes of 1907, of the State of Montana, in relation to the ownership and disposition of certain wild animals."

By Dobell, H. B. No. 101: A Bill for an Act with reference to the empanelling of a jury in trial in Civil Actions.

By Dobell, H. B. No. 102: A Bill for an Act to amend Section 6337 of the Revised Codes relating to the qualifications and exemptions of jurors.

By Blake, H. B. No. 103: A Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of 1907, relating to the employment of a Director of the State Fish Hatchery and providing for his salary."

By Blake, H. B. No. 104: A Bill for an Act repealing Chapter 142 of the Session Laws of 1909, being "An Act authorizing persons who are the owners, lessees or who otherwise control the land surrounding any lakes or ponds in the State of Montana, and who have established Fish Hatcheries on the shores of such lakes or ponds, to catch fish therein and to sell or offer for sale the same, and to ship same within the State of Montana, prohibiting the shipping and sale of such fish out of the State, and providing punishment for the violation of this Act."

By Law, H. B. No. 105: A Bill for an Act entitled, An Act appropriating money for the erection of greenhouses and farm buildings at the Montana Aricultural Experiment Station at Bozeman.

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 99, read first and second times by title only, and referred to Committee on Fairs and Expositions.

H. B. No. 100, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 101, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 102, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 103, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 104, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 105, read first and second times at length, and referred to Committee on State Institutions.

MESSAGES FROM SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 12, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, the following notices of Introduction of Bills were this day given:

By Duncan: A Bill for an Act entitled, "An Act to amend Section LXXXV of Chapter 147 of the Session Laws of 1909 of the State of Montana, relating to the refunding of money paid by mistake to the State Board of Land Commissioners on account of sales and leases of State Lands and correcting contracts erroneously made or entered into by said Board."

By Meyer: A Bill to amend Sections 5759, 5760 and 5763 of the Revised Codes of the State of Montana of 1907, relating to Chattel Mortgages.

By Meyer: A Bill for the general revision and codification of all laws relating to the coal mining industry in the State of Montana and to add certain sections thereto.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following bills were this day read first and second times and referred:

Senate Bill No. 55, by Selway: A Bill for an Act entitled, "An Act changing and defining the boundaries of Beaverhead and Madison Counties." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 56, by McCarthy: A Bill for an Act entitled, "An Act to promote Industrial Education." Referred to Committee on Education.

Senate Bill No. 57, by Survant: A Bill for an Act to amend Chapter IV, Title XIV of the Revised Codes of Montana, entitled, "Miscellaneous Liens," by adding thereto Section 5818 a, 5818 b, 5818 c, 5818 d, and 5818 e, in relation to Seed Liens and the enforcement thereof. Referred to Commitee on Agriculture and Manufacture.

Senate Bill No. 58, by Everett: A Bill for an Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 3, of Article XII of the Constitution, relating to taxation of mines and mining claims. Referred to Committee on Finance and Claims.

Senate Joint Memorial No. 4, by Burlingame: Petition to Congress to enact such legislation as will be necessary for the establishment of pleasure grounds on the irrigation districts now laid out, and also naming Fort Shaw Military Post as one of said Parks. Referred to Committee on Federal Relations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

REPORTS OF STANDING COMMITTEES.

Wheeler from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Judiciary Committee to whom was referred House Bill No. 39, entitled, "A Bill for an Act entitled An Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana relating to County Printing, to be designated as Section 4234, providing a penalty for violation of Section 4233 of the Political Code,' respectfully report that after having had the same under consideration recommend as a substitute therefor a Bill for an Act entitled, "An Act to amend Section 2897 of the Revised Codes of the State of Montana of 1907 relating to County Printing and providing a penalty for the violation thereof." And further recommend that said substitute bill do pass.

Report adopted.

Also

Herbold from the Committee on Live Stock and Ranges reported as follows:

Mr. Speaker:

We your Committee to whom was referred House Concurrent Resolution No. 1, relative to a further and more thorough investigation of the conditions existing in the office of the State Board of Stock Commissioners and their method of receiving, recording and distributing the State Estray Fund, respectfully recommend that the same be indefinitely postponed, inasmuch as we have recommended the adoption of Senate Concurrent Resolution No. 2 on the same subject.

Report adopted.

Also

Herold from the Committee on Live Stock and Ranges reported as follows:

Mr. Speaker:

We, your Committee on Livestock and Ranges to whom was referred House Bill No. 37, entitled a Bill for an Act making it unlawful to herd or drive sheep, cattle, horses or other livestock upon the land or possessory claims of another, and making owners of sheep, horses,

cattle or other livestock so herded or driven liable to the persons injured thereby, beg leave to herewith present a substitute bill and respectfully recommend that the same do pass.

Report adopted.

Also

Herbold from the Committee on Live Stock and Ranges reported as follows:

Mr. Speaker:

We, your Committee to whom was referred House Bill No. 75 entitled an Act to appropriate moneys for the payment of outstanding bounty certificates, respectfully recommend that the same do pass.

Report adopted and referred to Committee on Appropriations.

Also

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 47 beg leave to report same to the House with recommendation that it be referred back to the Judiciary Committee.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 6, introduced by Whaley, entitled "A Bill for an Act to amend Section 6364 Revised Codes of Montana of 1907, relating to the empanelling of Grand Juries" having had the same under consideration, recommend that it do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Judiciary Committee to whom was referred House Bill No. 56, entitled "A Bill for an Act specifying and providing how school district warrants shall be executed and signed," recommend that the same do pass with the following amendment: By inserting after the work Chairman, line 2, and before the word "of" line 2, the words "or in his absence by the Vice Chairman."

Report adopted.

GENERAL ORDERS.

On motion of Eliel the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Baker in the chair.

House resumed.

Mr. Speaker in the chair.

Baker from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Joint Resolution No. 2 beg leave to report as follows: Having had same under consideration, report same back to the House with recommendation that the same do pass.

Report adopted.

Also

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill numbered 5 beg leave to report as follows: Having had same under consideration, report same back to the House with recommendation that the enacting clause be stricken out.

Report adopted.

There benig no objection offered Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

Hayes from the Committee on Rules, Joint Rules and Order of Business reported as follows:

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES, TWELFTH LEGISLATIVE ASSEMBLY.

No. 1. Time of Opening and Closing: The Chamber of the Senate and the Hall of the House of Representatives shall be open from 6 o'clock A. M. until 11 o'clock P. M. each day during the session, unless by resolution of the Senate, its chamber, or by resolution of the House, its hall, shall be closed.

No. 2. Messages; How to Be Transmitted: Messages shall be transmitted between the two houses by the Sergean-at-Arms, or by his assistants, or by such other officers as either House may designate, which messages shall keep each House informed with promptness of all notices given and bills introduced, the general condition and state of the business of the other, and such messages shall be in writing.

No. 3. Announcement of Messages: When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent by the Sergeant-at-Arms or his assitant, and shall be respectfully communicated to the presiding officer by the person by whom it is sent.

No. 4. Transmission of Papers: Each House shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded, and on transmission of any House Bill to the Senate, the Secretary of the Senate shall deliver to the Chief Clerk of the House, a dated receipt for such bill, and on the transmission of any Senate Bill to the House, the Chief Clerk of the House shall deliver to the Secretary of the Senate, a dated receipt therefor.

No. 5. Printing of Bills and Resolutions: When any bill, memorial or resolution is ordered to be printed, a sufficient number of copies shall be printed for the use of both Houses and the quota of each

House delivered to its Sergeant-at-Arms.

No. 6. Documents Ordered Printed to Be Communicated to Each House: It shall be the duty of the Chief Clerk of the House of Representatives and the Secretary of the Senate, when any document is ordered to be printed in their respective Houses, forthwith to communicat such order to the other House.

No. 7. Notice of Rejection of Resolutions and Memorials: When any bill, resolution or memorial which shall have passed in one House is rejected in the other, notice of said rejection shall be given to the House which has passed the same.

No. 8. Five Days' Notice and Consent of Two-Thirds Vote: When a bill, resolution or memorial, which shall have passed in one House is rejected in the other, it shall not again be introduced during the session without five days' notice and consent of two-thirds of the members of both Houses.

No. 9. Title and Number of Bills: The title of every bill shall briefly state its general object, and every bill shall be numbered by the clerk, and the title thereof and the name of the member of committee introducing the same, shall be endorsed thereon.

No. 10. Journal to Give Title and Number of Bills: The Journal of each House shall give the title and number of each bill, joint resolution or memorial; but the second and all subsequent reference shall be complete when referred to by its number.

No. 11. Enrollment of Bills: When a bill has passed both Houses it shall be duly enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the clerk thereof.

No. 12. Signing of Enrolled Bills by Presiding Officers: Each enrolled bill shall be signed first by the presiding officer of the House in which it originated, and then by the presiding officer of the other branch of the Legislative Assembly in the presence of their respective Houses while in session.

No. 13. Notices of Signing Bills to Be Given by Presiding Officers: Upon the presentation of an enrolled bill by the Enrolling Committee of either House to the presiding officer for his signature thereto, he shall arise in his place and give notice that he is about to sign the same, giving the title thereof, whereupon, if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officer signing the same shall be of any avail if the same conforms to the engrossed bill as it passed both Houses.

No. 14. Bills for Governor's Approval: After a bill shall have been signed in each House, it shall be presented by the Committee on Enrollment in the House in which the bill originated, to the Governor for his approval, taking his receipt therefor, and the said Committee shall forthwith report to their respective Houses the day and hour of such presentation, which shall be entered upon the Journal of such House.

No. 15. Memorials to Congress to Be Enrolled: All memorials to

Congress, or to any officer or other authority of the Government, after they have passed both Houses, and shall be transmitted by the Chief Clerk of the House in which they originated, to the President of the Senate, the Speaker of the House of Representatives, or to the authority memoralized, and a copy to our Senators and Representatives in Congress.

No. 16. Joint Resolutions and Memorials to Be Filed With the Secretary of State: Whenever a joint resolution or memorial shall have passed both houses of the Legislative Assembly, an enrolled copy thereof, duly signed by the Speaker of the House of Representatives and the President of the Senate, shall be filed in the office of the Secretary of State, by the Chief Clerk or Secretary of the House in which the same originated.

No. 17. Conference in Case of Disagreement Between Houses: In every case of disagreement between the Senate and the House of Representatives, if either House requests a conferenece and appoint a committee for that purpose, the other shall appoint a committee consisting of the same number of members to confer therewith upon the subject of their disagreement. They shall meet at a convenient time, to be agreed upon by their Chairman, and having conferred freely, each shall report to their respective bodies the result of their conference.

No. 18. Chairman of Joint Committees: In Joint Committees, standing or special, the Committee Chairman of the Senate Committee shall be Chairman of the Joint Committee.

No. 19. Repealing of Joint Rules: No joint Rule shall be repealed, amended or suspended except by two-thirds vote in each House.

No. 20. All Bills Introduced in Either House shall have suitable covers of a good substantial material, so that the history of the bill may be written thereon.

No. 21. All Resolutions which contemplate the Expenditure of Money by the State, and not requiring the signature of the President of the Senate or the Speaker of the House, shall be read in full three several tims and roll call shall be had thereon.

No. 22. A Steering Committee Provided for: The Special Senate Committee shall appoint a committee of five Senators, and the Speaker of the House shall appoint a like committee of five House members, and such ten members so appointed shall constitute a Joint Steering Committee, and such Joint Steering Committee shall on and after the Fortieth day of the Legislative Session have the authority, and are hereby directed, to fix the order of consideration of all bills, memorials and resolutions coming before the Senate or House of Representatives for consideration, subject, however, to the general provision that in the Senate all House business shall be first considered, and in the House all Senate bills shall be first considered; all reports of the House Committee of such Joint Steering Committee shall be signed by its Chairman and shall also be approved and signed by the Chairman of the Senate Steering Committee, and all reports of the Senate Committee of such Joint Steering Committee shall be signed by its Chairman; and also signed and approved by the Chairman of the House

Steering Committee.

On motion of Whaley, this report was made a special order of business for Monday, at two o'clock P. M.

No objection being offered Mr. Speaker reverted back to the second order of business.

NOTICE OF BILLS.

By Blake: A Bill for an Act entitled, "An Act to permit Railroad Companies to carry free the State Fish Car."

By Moore of Silver Bow: A Bill for an Act entitled, "An Act creating the office of State Superintendent of Public Buildings, fixing his compensation, and defining his powers and duties."

By O'Flynn: A Bill for an Act entitled, "An Act to provide for the appointment of a Special Deputy in the Bureau of Agriculture, Labor and Industry, such deputy to be known and designated as Inspector at Large, defining his powers and duties and fixing his compensation."

By Berry: A Bill for an Act entitled, "An Act to increase the powers of cities, by conferring upon City Councils or Commissioners the authority to levy a special tax for the especial purpose of installing electric lighting systems, and providing that same shall first be approved by a majority of the taxpayers affected thereby."

By Berry: A Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana, relating to Townsites."

By Murray: A Bill for an Act to amend Section 2760 of the Revised Codes of Montana, 1907, and to regulate the issuance of licenses to retail liquor dealers outside of incorporated cities and towns."

By Bernard: A Joint Memorial to Congress, relative to rules and regulations of the Forestry Service in Montana, and the conduct of the same, and requesting an investigation thereof in Congress.

On motion of Hickey, Mr. Reinig the photographer, was granted permission to take a photograph of the House upon adjournment.

In accordance with the motion of Word, the Chief Clerk called the roll at ten minutes of twelve and found all present except Nelson, Terrett and Tolman.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except Nelson, Terrett and Tolman.

The following communication was received and read:

To the President and Members of the Joint Legislative Assembly:

In the matter of voting for United States Senator at the Joint Session of the Legislative Assembly to be held daily, or when otherwise held a pair is hereby agreed upon between Representatives Frank Nelson and W. W. Berry.

This agreement is effective from and including January 14, 1911, to and including January 16, 1911.

F. E. NELSON,
W. W. BERRY.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Stautes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter: Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For T. J. Walsh: Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly and Stout—8.

For W. G. Conrad: Cockrel and Gallway—2.

For J. W. Freeman: Burlingame—1.

For A. N. Yoder: Christopher and Sykes—2.

For T. M. Swindlehurst: Conrow—1.

For C. N. Pray: Everett—1.

For Wm. Lindsay: McCone—1.

For Carl Rasch: Meyer—1.

For M. Cockrell: Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh: Asbridge, Binnard, Byrnes, Crouch, Donohue, Ebert, Johnson of Ravalli, Kammerer, Law, Macdonald, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—22.

For W. G. Conrad: Alley, Baker, Blackburn, Duffy of Granite, Duffy of Silver Bow, Gillis, Herbold, O'Flynn, Wheeler of Cascade and Mr. Speaker—10.

For T. H. Carter: Bernard, Burt, Eliel, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Paul, Reser, Roberts, Rodgers, Sarter, Schwartz and Story—18.

For H. R. Drum: Bell—1.

For W. R. Allen: Blake, English, Ralston, Swick and Williams—5.

For T. M. Swindlehurst: Brady and Dobell—2.

For R. S. Ford: Hayes, Kirschwing and Moore of Silver Bow—3.

For A. N. Yoder: Higgins, Jordan, Murray, Slayton, Stevens and Vaughan—6.

For R. Lee Word: Johnson of Lewis and Clark—1.

For Fred Whiteside: Lissner—1.

For John Hayes: McNally—1.

Total: 70.

Paired: Berry and Nelson—2.

Absent and not voting: Terrett and Tolman—2.

Total: 74.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walch	30
For W. G. Conrad	12
For T. H. Carter	28
For J. W. Freeman	1
For A. N. Yoder	8
For T. M. Swindlehurst	3
For C. N. Pray	1
For Wm. Lindsay	1
For Carl Rasch	1
For M. Cockrell	1
For H. R. Drum	1
For W. R. Allen	5
For R. S. Ford	3
For R. Lee Word	1
For Fred Whiteside	1
For John Hayes	1
Total	98
Paired, Berry and Nelson	2
Absent and not voting, Terrett and Tolman	2
Grand Total	102

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Duffy of Granite from the Committee on House Employees reported as follows:

Mr. Speaker:

We, your Committee on House Employees, beg leave to recommend the following names for appointment on these various committees:

Assistant Janitor—James McDonald.

State Lands, Sanitary Affairs, Waterway and Navigation—Miss Gertrude Hale.

Mr. W. A. Pater for Doorkeeper in place of one of the doorkeepers who is sick in the Hospital.

Report adopted.

Mr. Speaker announced that he had made the following additions to Standing Committees in the House:

Stevens to the Committee on Military Affairs.

Herbold to the Committee on Appropriations.

On motion of Binnard, the House adjourned at 12:30 P. M. to meet Monday, January 16th at 11 A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Fifteenth Day.

Monday, January 16, 1911.

House met pursuant to adjournment at 11 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Terret and Tolman.

On motion of Reel, the Journal of the Thirteenth Day as read was approved.

NOTICES OF BILLS.

By Grubb: A Bill for an Act entitled, "An Act to amend Section 1029 of the Laws of Montana 1909 relating to Pioneer Day."

By Nolan: A Bill for an Act entitled, "An Act to amend Section 6788 of the Revised Codes of Montana of 1907, relating to exceptions not presented for settlement at the time of ruling."

By Tuttle: An Act to appropriate money for certain repairs and improvements at the Montana School for the Deaf and Blind at Boulder, Montana.

By Word: A Bill for an Act amending Sections 1218 and 1227 of the Revised Codes of Montana, 1907, and fix the salaries of the Librarians of the Law Department and of the Historical and Miscellaneous Department of the State Library, and also the salaries of the Assistant Librarians, and to provide for additional assistants.

By Kirschwing: A Bill for an Act for an appropriation of $50,000 to erect and maintain a building to be known as the Montana Building, at the San Francisco Exposition in 1915.

By Hewett: A Bill for "An Act appropriating money for erecting and furnishing additional buildings for the Feeble-minded at the School for the Deaf and Blind at Boulder, Montana."

By Vaughan: A Bill to amend Section 3111 of the Revised Codes of the State of Montana, relating to mileage of officers.

By Higgins: A Bill for an Act entitled, "An Act to amend Sections 6383 and 6385 of the Revised Codes of the State of Montana of 1907, relating to the requirements for admission to the bar, changing the years of study and practice required and method of examination."

By Kirschwing: A Joint Memorial praying Congress to pass an

Act prohibiting Federal Officials from attending the meetings of the Legislatures of their respective states, and from attending National, State and County and City Conventions.

By Jordan: A House Joint Memorial requesting Congress to grant unto the State of Montana fifty thousand acres of land for the purpose of establishing and maintaining a Hospital for the care and treatment of indigent persons from Tuberculosis.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred Senate Concurrent Resolution No. 2 beg leave to report same back to the House as correctly printed.

Also

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 27, 32, 51, 8 and 44, beg leave to report same back to the House as correctly printed.

Also

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties, having under consideration House Bill No. 40, entitled, 'An Act to provide for the appointment of a stenographer by Coroners in Counties of the first class, and fixing the compensation and term of office of such Stenographer," return the bill to the House with the recommendation that the same be amended by inserting after the word "may" on the second line of section one, the words "with consent of the County Commissioners," and we recommend that said bill, as amended, do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Kirschwing, H. B. No. 106: A Bill for an Act entitled, "An Act to amend Section 9779 of the Revised Codes of 1907, designating the name of the Montana State Reform School to the Montana State Industrial School."

By Wheeler of Silver Bow, H. B. No. 107: A Bill for an Act entitled, "An Act relating to the liability of employers for injuries to their employes."

By Higgins, H. B. No. 108: "An Act to provide for an additional Judge for the Fourth Judicial District of the State of Montana, so that there will hereafter be three Judges in said District."

By Jordan, H. B. No. 109: A Bill for an Act entitled, "An Act providing for the establishment, maintenance and conduct of an institution in connection with the State Insane Asylum for the care and

treatment of indigent persons suffering from mental affliction occasioned by the use of drugs or intoxicants; providing for the commitment thereto and prescribing penalties for infractions of the provisions thereof."

By Paul, H. B. No. 110: A Bill for an Act fixing and allowing to executors and administrators the amount they shall be allowed for attorney's fees.

By Duffy of Granite, H. B. No. 111: A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Article IX of the Constitution of the State of Montana, by adding a new clause to be numbered Section 14 of said Article, providing for the recall of Public Officers."

By Jordan, H. B. No. 112: A Bill for an Act entitled, "An Act to amend Section 1500, Revised Codes of Montana 1907, defining the term 'Communicable Disease.'"

By Murray, H. B. No. 113: A Bill for an Act to amend Section 2760 of the Revised Codes of Montana of 1907, and to regulate the issuance of licenses to retail liquor dealers outside of the corporate limits of incorporated cities and towns."

By Nelson, H. B. No. 114: A Bill for an Act entitled, "An Act to create the County of Cardwell, designate its boundaries, alter the boundaries of Jefferson, Madison and Silver Bow Counties to conform therewith, and to provide for the organization and government of Cardwell County."

By Jordan, H. B. No. 115: A Bill for an Act entitled, "An Act to amend Section 1144, of the Revised Codes of 1907, and to provide for the payment of fees and mileage of Physicians in Insanity Examinations."

By Vaughan, H. B. No. 116: A Bill for an Act entitled, "An Act to establish a State Laboratory at the Montana Agricultural Experiment Station, and to define the aim and scope of the work to be performed, and providing for the administration and to make appropriation for the establishment and maintenance thereof."

By Berry, H. B. No. 117: A Bill for an Act entitled, "An Act to amend Section 3531 of the Revised Codes of Montana, relating to Townsites."

By Berry, H. B. No. 118: A Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana, relating to Townsites."

By Tuttle, H. B. No. 119: A Bill for an Act entitled, "An Act to amend Chapter 86, Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment by the State Board of Examiners of a State Accountant, to examine the Books and financial affairs of State Institutions, defining his duties, and fixing his salary."

By Ralston, House Joint Memorial No. 2: A Memorial to Congress praying for the enactment of legislation that will relieve the surviving

soldiers (or their widows) who served in the Indian Wars from 1865 to 1883."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 106, read first and second times by title only, and referred to Committee on State Institutions.

H. B. No. 107, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 108, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 109, read first and second times by title only and, referred to Committee on Sanitary Affairs.

H. B. No. 110, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 111, read first and second times by title only, and referred to Committee on Privileges and Elections.

H. B. No. 112, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 113, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 114, read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 115, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 116, read first and second times at length and referred to Committee on Live Stock and Public Ranges.

H. B. No. 117, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 118, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 119, read first and second times by title only, and referred to Committee on State Boards and Officers.

READING OF MEMORIALS.

House Joint Memorial No. 2, read first and second times by title only, and referred to Committee on Military Affairs.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, the following notices of Introduction of Bills were this day given:

By McCone: A Bill for an Act entitled, "An Act to fix the salary of Deputy State Auditor and authorizing the appointment of a Chief Clerk in the office of the State Auditor and fixing the salary of said Clerk."

By Dunnigan: A Bill for an Act entitled, "An Act to amend Section 8792, relating to the catching of fish."

By Dunnigan: A Bill for an Act entitled, "An Act appropriating money for the payment of the Anaconda Copper Mining Company for labor and material furnished in connection with the construction and maintenance of the State Fish Hatchery at Anaconda, Montana."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, the following bills were read first and second times and referred:

Senate Bill No. 59, By Duncan: A Bill for an Act entitled, "An Act to amend Section LXXXV of Chapter 147 of the Session Laws of 1909 of the State of Montana, relating to the refunding of money paid by mistake to the State Board of Land Commissioners on account of sales and leases of State Lands and correcting contracts erroneously made or entered into by said Board." Referred to Committee on Stock Growing and Grazing.

Senate Bill No. 60, by Cockrell: A Bill for an Act entitled, "An Act to authorize the State Board of Examiners of Montana to prepare and have indexed, printed and bound, copies of debates, and proceedings of the Constitutional Convention of the State of Montana, and to provide for the distribution of the same, and providing an appropriation therefor." Referred to Committee on Education.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honoable Body that, Senate Bills Nos. 15 and 7 having been read three several times and passed, are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

Senate Bill No. 7, having been read first and second times by title only, was referred to the Committee on Banks and Banking.

Senate Bill No. 15, having been read first and second times by title only, was referred to Committee on Judiciary.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printnig requests the Chairman of the various committees to see to it that the name of the introducer of a bill, as well as the number, is included in the copy sent to the Printing Committee.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICE OF BILLS.

By Macdonald: A Bill for an Act entitled, An Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent poor, sick and infirm.

On motion of Berry, seconded by Nelson, the pair existing between Berry and Nelson was declared void and the Clerk was directed to cancel said pair.

In accordance with the motion of Word, the Chief Clerk called the roll at ten minutes of twelve and found all present except Donohue, Terrett and Tolman.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in joint assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except Terrett and Tolman.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly, Stout and Whiteside—9.

For W. G. Conrad—Cockrell and Gallway—2.

For J. W. Freeman—Burlingame—1.

For W. R. Allen—Christopher—1.

For T. M. Swindlehurst—Conrow—1.

For Wm. Brennan—Everett and Sykes—2.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

Total, 28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Ebert, Johnson of Ravalli, Kammerer, Law, Macdonald, Mc-

Murry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Whaley, Wheeler of Silver Bow, Woody and Word—23.

For W. G. Conrad—Alley, Baker, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, O'Flynn, Tuttle, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bernard, Burt Gray, Grubb, Hewett, Hickey, Holt Holter, Jacobson, Moore of Valley, Nelson, Roberts, Rodgers, Sarter, Schwartz and Story—16.

For W. R. Allen—Bell, Blake, Eliel, English, Higgins, Jordan, Murray, Ralston, Slayton, Stevens, Swick and Vaughan—12.

For J. J. Quinn—Kirschwing, Moore of Silver Bow—2.

For John Hayes—McNally—1.

For Conrad Kohrs—Paul—1.

For C. N. Pray—Reser—1.

For G. B. Winston—Williams—1.

Total—72.

Absent and not voting—Terrett and Tolman—2.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	32
For W. G. Conrad	17
For T. H. Carter	26
For W. R. Allen	13
For J. W. Freeman	1
For T. M. Swindlehurst	1
For Wm. Brennan	2
For Wm. Lindsay	1
For Carl Rasch	1
For J. J. Quinn	2
For John Hayes	1
For Conrad Kohrs	1
For C. N. Pray	1
For C. B. Winston	1
Total	100
Absent and not voting Terrett and Tolman	2
Grand Total	102

Nolan moved that when the Legislature meets in Joint Session each day and before the order of balloting is reached, upon announcement being made that a pair has been entered into, either in the House or Senate, in the absence of one of the parties to that pairing agreement, the other shall not be permitted to vote.

Everett moved as a Substitute motion that the Committee on Rules of the Senate be instructed by this Joint Assembly to act with the Committee on Rules of the House, to act as a Committee on Joint Rules to formulate a rule providing for pairs and that they report to

this Joint Assembly when it convenes tomorrow.

Nolan withdrew his motion in favor of substitute motion, which was duly carried.

The President thereupn announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Macdonald moved to reconsider the vote by which it made the report of the Committee on Rules, Joint Rules and Order of Business a special order for 12 o'clock. Motion adopted.

On motion of Word, the House took a recess at 12:50 P. M. to 2 P. M.

AFTERNOON SESSION.

House reassembled at 2 P. M.

Mr. Speaker in the chair.

Roll called and all members found present except Duffy of Silver Bow, Terrett, Tolman and Stevens.

NOTICES OF BILLS.

By Donohue: A Bill entitled, An Act to amend Section 1502, Revised Codes of Montana, 1907, relating to reporting of cummunicable diseases.

By Donohue: A Bill for an Act entitled, "An Act to repeal Section 4073, Revised Codes 1907, relating to taxation of insurance companies on excess premiums over losses and ordinary expenses incurred within the State."

By Eliel: A Bill for an Act to amend Section 3245, Revised Codes of 1907, relating to the salary of Chief of Police.

By Story: A Bill for an Act authorizing the Governor to appoint an Eudcational Commission for the purpose of amending, revising and collecting the laws touching upon Public Schools of the State, and for the further purpose of suggesting new legislation for the welfare of said schools and an appropriation to meet the expenses of said Commission.

By Hayes: A Bill for an Act entitled, "An Act relating to coercing or compelling of persons not to join labor organizations, or to cease membership in labor organizations, and providing for a penalty for the violation of this Act."

REPORT OF STANDING COMMITTEES.

Herbold from the Committee on Live Stock and Ranges reported as follows:

Mr. Speaker:

We your Committee on Livestock and Ranges to whom was referred House Bill No. 11, entitled a Bill for an Act to provide for the re-recording of every brand or mark upon horses, cattle, or other livestock, and regulating the making of such record and fixing the

fees therefor, and repealing all Acts and parts of Acts inconsistent with the provisions of this Act, beg leave to present a substitute for said bill, and respectfully recommend that the same do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Wheeler of Silver Bow, H. B. No. 120: A Bill for an Act entitled, "An Act relating to, and regulating the sale of convict-made goods within the State of Montana, requiring all persons or corporations selling or offering for sale, convict-made goods to take out a license, and providing a penalty for the violation of this Act, and for the disposal of such penalty."

By Donohue, H. B. No. 121: A Bill for an Act entitled, "An Act to regulate the manufacture and sale of dairy products and imitation dairy products in the State of Montana; defining dairy products and imitation dairy products; providing for a dairy specialist in the Montana State Agricultural College, appropriating moneys therefor, and defining his duties; and providing penalties for the violation of the provisions of this Act."

By Higgins, H. B. No. 122: An Act to amend Section 673 of the Revised Codes of the State of Montana, 1907, relating to the duties of the President of the University of Montana, by changing the date of filing Annual Report.

By Moore of Silver Bow, H. B. No. 123: A Bill for an Act entitled, "An Act creating the office of State Superintendent of Public Buildings, fixing his compensation and defining his powers and duties."

By Reser, H. B. No. 124: A Bill for an Act entitled, "An Act to create the County of Blaine, to designate and define its boundaries, to provide for its organization and government, and to alter the boundaries of Chouteau County to conform to the boundaries of Blaine County."

By Schwartz, H. B. No. 125: A Bill for an Act entitled, "An Act to create the County of Hill, to designate and define its boundaries, to provide for its organization and government, and to alter the boundaries of Chouteau County to conform to the boundaries of Hill County."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 120, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 121, read first and second times at length, and referred to Committee on Dairying.

H. B. No. 122, read first and second times by title only, and referred to Committee on Education.

H. B. No. 123, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 124, read first and second times by title only, and re-

ferred to Committee on New Counties and Divisions.

H. B. No. 125, read first and second times by title only, and referred to Committee on New Counties and Divisions.

MOTIONS AND RESOLUTIONS.

Whaley moved that from and after this time there be no more employees employed except by order of the House.

Motion adopted.

Also

Eliel moved the adoption of the following order:

That hereafter all agents, solicitors or peddlers, seeking to sell any merchandise or to demonstrate the operation of any appliance shall be excluded from the Committee rooms and lobbies of the House and that the Sergeant-at-Arms be instructed to enforce this order.

Motion carried.

Also

O'Hern moved that from and after this date no employees of the House be discharged except on order of the House.

On motion of Whaley, this was laid on the table.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Mont, January 16, 1911.

Mr. President.

I am directed by the Senate to inform your Honorable Body that, the following Notices of Introduction of Bills were this day given:

By Everett: A Bill for an Act entitled, "An Act providing for certain employees at the State Capitol Building and to regulate the scale of wages of such employees."

By Burlingame: A Bill for an Act entitled, "An Act providing for the admission in evidence of confessions of the accused in criminal cases."

By Edwards: A Bill for an Act entitled, "An Act regulating the sale of Malt, Spirituous and Vinous Liquors and providing for the violation thereof."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 16, 1911.

Mr. President:

I am directed by the Senate to inform your Honorable Body that, the following bills were this day introduced, read first and second time and referred:

Senate Bill No. 61, by Dunnigan: A Bill for an Act entitled, "An Act appropriating money for the payment of the Anaconda Copper Mining Company for labor and material furnished in connection with the construction and maintenance of the State Fish Hatchery at Anaconda, Montana." Referred to Committee on Fish and Game.

Senate Bill No. 62, by Meyer: A Bill for an Act entitled, "An Act to amend Sections 5759, 5760 and 5763 of the Revised Codes of 1907, relating to Chattel Mortgages." Referred to Committee on Judiciary.

Senate Bill No. 63, by McCone: A Bill for an Act entitled, "An Act to fix the salary of Deputy State Auditor and authorizing the appointment of a Chief Clerk in the Office of the State Auditor and fixing the salary of said clerk." Referred to Committee on Finance and Claims.

Senate Bill No. 64, by Dunnigan: A Bill for an Act to amend Section 8792, relating to the catching of fish. Referred to Committee on Fish and Game.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Hayes, from the Committee on Rules, Joint Rules and Order of Business, reported the following additional Joint Rules:

No. 23, A Steering Committee provided for: The Special Senate Committee shall appoint a committee of five Senators, and the Speaker of the House shall appoint a like committee of five House members, and such ten members so appointed shall constitute a Joint Steering Committee, and such Joint Steering Committee shall on and after the fortieth day of the Legislative Session have the authority, and are hereby directed, to fix the order of consideration of all bills, memorials and resolutions coming before the Senate or House for consideration, subject, however, to the general provision that in the Senate all House business shall be first considered, and in the House all Senate bills shall be first considered; all reports of the House Committee of such Joint Steering Committee shall be signed by its Chairman and shall also be approved and signed by the Chairman of the Senate Steering Committee, and all reports of the Senate Committee of such Joint Steering Committee shall be signed by its Chairman; and also signed and approved by the Chairman of the House Steering Committee.

On motion of Whaley, the report of the Committee on Rules, Joint Rules and Order of Business was read section by section. The Reading Clerk thereupon read the report in accordance with above motion and no amendments being offered to sections 1 to 22 inclusive, Mr. Speaker announced that there being no objections these rules would be considered as adopted.

Whaley moved to strike out Rule No. 23.

On motion of Blackburn, Whaley's motion was laid on the table.

Eliel moved for a reconsideration of Rule 23 by the addition of the following:

"But nothing contained in this rule shall be construed as depriving a majority of either the House or the Senate of the right of taking any bill from the consideration of the Steering Committee and to place such bill on general orders."

Motion prevailed.

Binnard moved that in Rule 23, the word "fortieth day" be changed to read "fiftieth day."

Motion lost.

Nolan moved that in Rule 23, the word "fortieth day" be changed to read "forty-ninth day."

Motion lost.

On motion of Johnson of Lewis and Clark, the House adjourned at 4:10 P. M. to meet tomorrow at 10:30 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Sixteenth Day.

Tuesday, January 17, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Terrett and Tolman.

On motion of Reel, the Journal of the Fifteenth day as read was approved.

NOTICES OF BILLS.

By Dobell: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to the Constitution of Montana amending Section 4, Article 5, and amending Sections 2, 3, 4 and 5 of Article 6, relating to Representatives in the Senate of the State of Montana."

By Donohue: An Act to provide an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana, and to fix the number of members thereof.

REPORTS OF STANDING COMMITTEES.

Duffy of Granite, from the Committee on House Employees, reported as follows:

Mr. Speaker:

We, your committee on House Employees, beg leave to recommend the following names for appointment on these various committees:

Mrs. Elsie Johnson—Engrossing Committee.

Miss Agnes Flynn—Engrossing Committee.

Miss Florence Coffin—Judiciary Committee.

Miss Marcia Brown—Fish and Game.

Report adopted.

Also

Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Substitute Bill No. 37, House Substitute Bill No. 39, House Bill No. 56, and House Bill No. 6, beg leave to report same back to the House as correctly printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Grubb, H. B. No. 126: A Bill to amend Section 1029 of the Laws of Montana of 1909, relating to Pioneer Day.

By McDonald, H. B. No. 127: "A Bill for an Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent poor, sick or infirm."

By Donohue, H. B. No. 128: A Bill for an Act entitled, "An Act to amend Section 1502, Revised Codes of Montana 1907, relating to reporting of communicable diseases."

By Story, H. B. No. 129: A Bill for an Act entitled, "An Act authorizing the Governor to appoint an Educational Commission for the purpose of amending, revising, and collating the laws touching upon the public schools of the State, and for the further purpose of suggesting new legislation for the welfare of said schools, and an appropriation to meet the expenses of said commission."

By Paul, H. B. No. 130: A Bill for an Act entitled, "An Act requiring the County Assessor to furnish certified copies of his Assessment Book as to all property within the limits of incorporated cities and towns, and providing for his remuneration therefor."

By Word, H. B. No. 131: A Bill for an Act entitled, "An Act to amend Sections 1218 and 1227 of the Revised Codes of Montana, 1907, and to fix the salaries of the Librarians of the Law Department and of the Historical and Miscellaneous Department of the State Library, and the salaries of the Assistant Librarians, and to provide for additional Assistants."

By Hayes, H. B. No. 132: A Bill for an Act entitled, "An Act relating to coercing or compelling of persons not to join labor organizations or to cease membership in labor organizations, and providing for a penalty for the violation of this Act."

By Tuttle, H. B. No. 133: A Bill for an Act to appropriate money for certain repairs and improvements at the Montana School for the Deaf and Blind at Boulder, Montana.

By O'Flynn, H. B. No. 134: A Bill for an Act entitled, "An Act to provide for the appointment of a Special Deputy in the Bureau of Agriculture, Labor and Industry, such Deputy to be known and designated as Inspector-at-Large, defining his powers and duties and fixing his compensation."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 126, read first and second times by title only, and referred to Committee on Libraries.

H. B. No. 127, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 128, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 129, read first and second times at length and referred to Committee on Education.

H. B. No. 130, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 131, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 132, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 133, read first and second times at length, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 134, read first and second times by title only, and referred to Committee on Judiciary.

MOTIONS AND RESOLUTIONS.

Motion by Word:

"In view of the fact that the House and its committees are in need of six (6) more typewriting machines, and since the Secretary of State refuses to honor the requisition of the Sergeant-at-Arms of the House for said machines, for that he has no authority to purchase the machines required, I move that this House authorize and direct the Secretary of State to purchase the machines required forthwith and deliver the same to the Sergeant-at-Arms of the House."

Motion prevailed.

Also

Baker moved that Rule 18, page 16, relating to duties of Committee on House Employees be stricken from the code of rules governing the House and that Section 1 of Rule 8, which directs the Speaker to appoint a Committee on House Employees be amended by striking that portion requiring the appointment by the Speaker of a Committee on House Employees.

Referred to Committee on Rules, Joint Rules and General Order of Business.

Also

Hewett moved to reconsider the vote by which a motion was adopted yesterday in which it was ordered that all employees in the future must be employed by the House.

Motion prevailed.

Also

Baker moved that the vote by which it was ordered that no further employees be added to the list of House Employees except by order of the House, be laid upon the table.

Motion prevailed.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Melena, Montana, January 17, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

Two years ago the Montana Conservation Commission reported to the Eleventh Legislative Assembly and recommended a bill for the conservation of the forests, lands and minerals belonging to the State. The measures recommended were enacted in form substantially as presented. The people of this State owe a lasting debt of gratitude to the members of the Commission and to the Legislators who enacted its recommendations into law.

A further report is made to this Assembly, in which four bills are submitted for your consideration. The mission of this message is to transmit the report and briefly advocate the passage of the bills recommended. It is not my purpose to enter into any prolonged discussion of the conservation question in general. There is abundant literature from which any one can obtain information upon any phase of the subject. I shall be pleased to at any time discuss the matter with members or committees of the Assembly and render such service as I may be able to give.

Of the four bills presented, one has reference to unsurveyed school lands situated in national forests.

The Secretary of the Interior has decided that sections 16 and 36, situated in national forests, that are unsurveyed or the survey of which had not been approved previous to the creation of forest reserves, do not pass to the State under the provisions of the Enabling Act; and he further holds that the State must release those sections and select others from the surveyed public domain in lieu thereof, or suffer a loss of the lands referred to. The area of the sections thus affected amounts to approximately one million acres.

Under the laws now in force these lieu selections must be made from public lands that are surveyed and that are designated as agricultural lands.

During the past few months the State Board of Land Commissioners has been releasing unsurveyed sections 16 and 36, situated in forest reserves, and selecting in lieu thereof agricultural lands from the surveyed public domain whenever lands of a value equal to that of those released could be found. Much difficulty has been experienced in obtaining valuable lands for lieu selections on account of the rapid entry of public lands by settlers and the shortage of surveyed lands.

No sections situated in Western Montana and of special value for the timber thereon have been released, for the reason that lieu lands of equal value could not be obtained. The Board desires that authority be given to release to the government these unsurveyed and timbered sections 16 and 36 in the forest reserves of western Montana whenever the right is conferred upon the State to select government timber lands

of equal value, in compact bodies, in forest reserves. This right of exchange, conditioned as suggested, must be given by acts of the Legislature and of Congress.

A bill giving consent on the part of the State is herewith presented, and the Montana Senators and Representative in Congress have been requested to secure, if possible, the consent of Congress. If this exchange cannot be effected, Montana will suffer material loss on account of being required to accept agricultural lands in lieu of its more valuable timber lands situated in the unsurveyed forest districts.

Another bill deals with the prevention and extinguishment of for est fires. The experience of last summer demonstrated the necessity for comprehensive laws on this subject. The United States District Forester, the State Forester and timber owners in the State have been consulted and the concensus of opinions advanced is represented in the proposed bill.

A third bill is suggested that relieves the State Land Agent of any duties relative to forest lands; confers those duties upon the State Forester, and makes such changes in the land laws as experience has shown to be advisable.

The fourth bill presented relates to appropriations of water for power purposes. The extensive possibilities of power development, the immense values in unappropriated waters, and the importance of cheap power in the development of our industries, cause this legislation to be of unusual public interest and concern. The use of water and power sites at places favorably located for the purpose is necessary in transforming the energy of falling waters into electrical power.

All unappropriated water and the beds of all navigable streams are owned by the State, and only the State may make regulations for their use; provided, however, that navigation may not be interfered with. Power sites are owned by the United States where situated on the public domain, by the State where situated on State lands, and by private owners where title has passed to them from the government.

The government alone may give consent for the damming of a navigable river or grant the right to use a power site on the public domain. Only the State may convey the right to use the beds of navigable rivers, and in every instance it may control the appropriation of water from any stream. It, therefore, clearly appears that in some instances the State and the Nation must join in conferring the privileges incident to power development. The necessary co-operation between the two governments is provided for.

Every effort has been made to submit a bill that provides adequate compensation to the State for the use of its unappropriated water; that assures fair treatment to investors in power plants, and that protects consumers from unreasonable prices for services. If other safeguards occur to you as being necessary, you are urgently requested to supply them.

It may be said for the benefit of those who advocate national control of resources that every legal right or interest of the Federal gov-

ernment has been recognized. I have at all times advocated and do now earnestly favor a surrender by the United States to the State of all control of and benefits in waters and power sites, under the condition, however, that the State shall enact laws sufficiently comprehensive to conserve and regulate the use of these resources.

In my judgment the bill submitted provides every safeguard necessary to insure proper administration of water and power sites, and upon its enactment the Federal government may safely make the surrender referred to. However, Congress alone has the authority to make that surrender, and in the meantime laws should be enacted to apply to existing conditions and not to those that we hope may exist hereafter.

If the government should later convey to the State its title to power sites on the public domain and surrender its control of navigable streams, the proposed law submitted herewith will insure a wise administration of water and sites for power purposes; and if such title and control are not conveyed and conditions continue as now, such cooperation between the State and the Federal government is provided as will permit development.

There are those who insist that Legislatures are less disposed than Congress to enact laws for the wise use and administration of natural resources. I am not in accord with this belief, and cite the law enacted by the Eleventh Assembly relative to State lands, forests and minerals in proof of Legislative efficiency. The enactment into laws of the recommendations here presented will further demonstrate that expressions of lack of confidence in Legislative efficiency are unfair and without a basis of fact. I am encouraged to believe that Congress will surrender the control and benefits of waters and power sites to the States when convinced that a wise administration of these resources will follow. The best way to produce that conviction is to enact a law that is adequate and sufficient for the purpose. Otherwise, it is my judgment that Congress will not withdraw such supervising control over these resources as the law now confers upon it.

EDWIN L. NORRIS,
Governor.

Helena, Montana, January 14, 1911.

Hon. Edwin L. Norris, Governor.

Dear Sir: Your Commission on Conservation have had under consideration during the past two years, and particularly since August last, various measures of conservation, some of which are new, and some of which grow out of the experience of the State Board of Land Commissioners and the State Land Officers, under the bill reported by the Commission two years ago, and we herewith hand you, for submission to the Legislature if they meet with your approval, four separate bills as follows:

First: A bill providing for ceding to the Government of the United States all of Sections Sixteen and Thirty-six, whether surveyed or unsurveyed, within the National Forests, in exchange for other lands to

be granted to the State by the general government, under such terms as may be agreed upon.

This measure we deem to be essential, for the reason that under rulings by the Department of the Interior of the United States, the State has no right in, or control of these lands, and unless that policy of the National Government should be reversed, the State never would receive any benefit from these lands, as long as they are embraced in National Forests.

Both of the political parties of the State indorsed a measure of this nature at their last State Conventions.

Second: An Act relating to the rights of the State of Montana in and to the waters of the State, and regulating the use thereof.

This measure, we believe, defines the rights of the State in the waters of the State, in accordance with a long line of decisions of the Supreme Court of the United States and with the decisions of other Federal Courts, and gives to the State absolute control of certain waters, and implies a joint control by the State and Federal Government upon navigable waters, and provides for co-operation by the State Board of Land Commissioners with the Federal authorities in this particular. We have deemed it wise to reserve to the people the right to control the use of these waters, and to regulate the rates to be charged for power and other purposes.

Third: A Bill providing for the protection and preservation of the forests of the State.

The experience in the past years from forest fires demonstrated that the provisions of the Acts of 1909 upon this subject did not fully meet the demands that arose during the prevalence of forest fires within the State. To meet these defects, we have re-enacted certain provisions of the old law, and have incorporated in this bill new provisions, giving the State Board of Land Commissioners ampler powers and more speficic authority to act in like emergencies in the future.

At a meeting of your Commission, held in December of the past year, at which were present the United States District Forester and representatives of a number of large lumber interests of the State, it was found that in the State of Idaho, co-operation between the State, the National Government, and private owners of timber lands, by specific agreement as to duties to be performed and division of expenses incurred, had been successfully tried and carried out, and we have therefore incorporated in this Bill specific authority for the State Board of Land Commissioners to co-operate with the National Government and with private owners or associations or owners, for the general purpose of preserving the forests of the State, regardless of ownership.

Fourth: A Bill amending certain Sections of the Act of 1909, mainly for the purpose of more specifically defining and segregating the duties of the State Forester, as distinguished from those of the State Land Agent.

The experience of the State Board of Land Commissioners has fur-

ther demonstrated that the presence of dead down timbers in the forests is an absolute menace at all times, and we have therefor provided that the proper State officials shall grant permits for the removal of such timber, without cost, under reasonable regulations.

This experience has further demonstrated that the timber killed by fires during the past year, although still standing and valuable for the manufacture of lumber, if manufactured at once, would not bring the minimum price of Three Dollars per thousand, fixed by the Act of 1909, and we have therefore included in this bill a provision that such dead timber may be sold at such price as the State Board of Land Commissioners may deem reasonable.

We are of the opinion that these Bills, if enacted into law, coupled with the Act of March, 1909, governing the disposition and control of other state lands, will form a nearly complete scheme of conservation, which will protect all of the interests of the State, in its landed property, and will form the most complete system of conservation laws possessed by any State in the Union.

Respectfully,

RUDOLPH VON TOBEL,
LEW L. CALLAWAY,
DAVID HILGER,
CHAS. S. HARTMAN.

On motion of Eliel, two hundred copies of the communication from the Governor were ordered printed for use of the members.

On motion of O'Hern, the message of the Governor was referred to the same committee that segregated the Governor's first message.

No objection being offered, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 24, being an Act entitled, "An Act to provide an additional judge for the Thirteenth Judicial District of the State of Montana so that there will be two judges in said District," report the same to the House with the recommendation that the same do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 15, being an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector," report the same to the House with the recommendation that the same be concurred in.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 76, being a bill for an Act relating to costs in Contempt Proceedings, report the same to the House with the recommendation that the same do pass.

Report adopted.

Also

Herbold from the Committee on Live Stock and Ranges reported as follows:

Mr. Speaker:

We, your Committee on Live Stock and Ranges, to whom was referred House Bill No. 41, entitled, "A Bill for an Act to amend Section 1904 of the Revised Codes, relating to bounties for killing wolves, coyotes and mountain lions and to provide for the payment of the same," herewith present bill as amended, changing Section one relative to Section 1904 in regard to State Bounty Fund from $3.00 to $5.00 for each coyote pelt, and changing the words four per cent to five per cent, in Section 4 of said Bill, and we would respectfully recommend the passage of the bill.

Report adopted.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICES OF BILLS.

By Jacobson: A Bill for an Act to create the County of Conrad, designate its boundaries and provide for its organization and government.

By Jacobson: A Bill for an Act to create the County of Piegan, designate its boundaries and provide for its organization and government.

By Burt: A Bill entitled, An Act to create the County of Fallon, designate its boundaries and provide for its organization and government.

No objection being offered, Mr. Speaker reverted back to the sixth order of business.

MOTIONS AND RESOLUTIONS.

Baker requested that the motion introduced by him relative to the duties of the Committee on House Employees and which said motion was referred to the Committee on Rules, Joint Rules and General Order of Business, be withdrawn.

There being no objection, request was granted.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montant, January 17, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, the message from the Governor to the Senate, was received this day and read; accompanied by a report signed by a Committee composed of Honorable Rudolph Von Tobel, Honorable Lew L. Callaway, Honorable David Hilger and Honorable Charles B. Hartman. This report was upon the same subject as in the message from the Governor; also accompanying the message and report, was submitted four separate bills, which the Governor requested be introduced in the Senate, as follows:

First—In reference to Unsurveyed School Land, situate in National Forests.

Second—Deals with the prevention and extinguishing of Forest Fires.

Third—Relieving the State Land Agent of any duties relative to Forest Lands, and confers those duties upon the State Forester.

Fourth—Relates to the appropriation of water for power purposes, and surrender of such to State control.

On motion of Donlan, duly seconded and adopted, five hundred copies of the Governor's message and five hundred copies of the Committees' report (Committee on Conservation) and two hundred and fifty copies of each of the four bills be printed in pamphlet form for distribution.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

On motion of Eliel, it was ordered to reconsider the motion relative to the printing of two hundred copies of the Governor's message read this morning.

There being no objection offered, Eliel withdrew the motion made by him relative to the printing of two hundred copies of the Governor's message.

In accordance with the motion of Word, the Chief Clerk called the roll at ten minutes of twelve and found all present except Terrett.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock, noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except Terrett.

Mr. Prsident, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly, Stout and Whiteside—9.

For W. G. Conrad—Cockrell and Gallway—2.

For O. M. Lanstrum—Burlingame—1.

For W. R. Allen—Christopher and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—Everett—1.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Ebert, Johnson of Ravalli, Kammerer, Law, Lissner, Macdonald, McMurray, McQuitty, Martin, Nolan, O'Horn, Owenhouse, Reel, Whaley, Wheeler of Silver Bow, Woody and Word—24.

For W. G. Conrad—Alley, Baker, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kirschwing, O'Flynn, Tuttle, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bernard, Blake, Burt, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Nelson, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Story, Swick, Tolman and Williams—23.

For B. F. White—Bell, Eliel, Higgins, Jordan, Murray, Slayton, Stevens and Vaughan—8.

For John Hayes—McNally—1.

For John MacGinniss—Moore of Silver Bow—1.

For O. B. O'Bannon—Paul—1.

Total—73.

Absent and not voting—Terrett—1.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	33
For T. H. Carter	33
For W. G. Conrad	17
For B. F. White	8
For W. R. Allen	2
For C. N. Pray	1
For Wm. Lindsay	1

For Carl Rasch	1
For O. M. Lanstrum	1
For T. M. Swindlehurst	1
For John Hayes	1
For John MacGinniss	1
For O. B. O'Bannon	1
Total	101
Absent and not voting, Terrett	1
Grand total	102

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Macdonald moved that General Orders be made a special order of business at 2:30 o'clock this afternoon.

On motion of Baker the House took a recess at 12:25 P. M. to 2 o'clock this afternoon.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called and all members found present except Terrett.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Hewett, H. B. No. 135: A Bill for an Act to appropriate money for erecting and furnishing additional buildings for the Feeble Minded at the school for the Deaf and Blind at Boulder, Montana.

By Vaughan, H. B. No. 136: A Bill for an Act entitled, "An Act to amend Section 3111 of the Revised Codes of the State of Montana, relating to Mileage."

By Holter, H. B. No. 137: A Bill for an Act entitled, "An Act to require the instruction of pupils in Public, Private or Parochial Schools in fire dangers and means of prevention thereof."

By Edwards, H. B. No. 10: A Bill for an Act entitled, "An Act to provide for and regulate the manner and method of taxing mortgages."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 135, read first and second times at length and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 136, read first and second times by title only, and referred to Committee on Mileage and Per Diem.

H. B. No. 137, read first and second times by title only, and referred to Committee on Education.

On motion of Nolan the Committee on State Institutions was

excused from attendance in the House until 2:30 o'clock P. M. in order to hold a meeting to hear the testimony of certain witnesses called before said Committee.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, Jan. 17, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that:

Senate Bill No. 10, having been read three times, and passed as amended, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 17, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of Bills were this day given:

By Survant: A Bill entitled, "An Act providing for the registration of electors and providing penalties for the violation thereof."

By Muffly: A Bill to Repeal Chapter 92 of the Session Laws of the Eleventh Legislative Assembly approved March 5th, 1909.

By Cockrell: A Bill for an Act entitled, "An Act to amend Sections 7362 and 7363 of the Codes of Montana for 1907, relative to change of name."

By Meyer: A Bill for an Act entitled, "An Act defining the term 'itinerant vendors,' to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes."

By Cockrell: A Bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Penitentiary."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Mont., January 17, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 65, by Everett: A Bill for an Act entitled, "An Act providing for certain employees at the State Capitol Building and to regulate the schedule of wages of such employees." Referred to Committee on Finance and Claims.

Senate Bill No. 66, by Meyer: A Bill for an Act entitled, "An Act to regulate the operation of all coal mines in the State of Montana, to provide for their inspection and the qualification of Inspectors and

certain other employees of Coal Mines in the State of Montana, repealing Sections 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709 and 1710. 2023 of the Revised Codes of the State of Montana and Chapters 64 and 65 of the Laws of 1909." Referred to Committee on Mines and Mining.

Senate Bill No. 67, by Burlingame: A Bill for an Act entitled, "An Act providing for the admission in evidence of confessions of the accused in criminal cases," Referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

READING OF SENATE BILLS.

S. B. No. 10, read first and second tmes by title only, and referred to Committee on Judiciary.

MOTIONS AND RESOLUTIONS.

On motion of Blake, Senate Concurrent Resolution No. 2, introduced by Survant, was read three times and placed upon final passage.

THIRD READING OF SENATE BILLS.

Senate Concurrent Resolution No. 2 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurray, McQuitty, Martin, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody and Mr. Speaker—58.

Noes—None.

Absent and not voting—Bell, Burt, Byrnes, Eliel, English, Holter, Jacobson, Johnson of Ravalli, McNally, Moore of Silver Bow, Nolan, Owenhouse, Swick, Terrett, Wheeler of Silver Bow, and Word—16.

Title agreed to.

Mr. Speaker thereupon appointed the following Committee consisting of Asbridge, Brady, McMurray and Murray, as provided for in Senate Concurrent Resolution No. 2 just passed.

The hour having arrived for the consideration of "General Orders," which was made a special order of business for 2:30 o'clock P. M. on motion of Berry, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Berry in the chair.

House resumed.

Mr. Speaker in the chair.

Berry from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 15, beg leave to report having had the same under consideration, recommend that the same be concurred in.

Also

Having had under consideration House Bill No. 27, recommend that the same do pass as amended.

Also

Having had under consideration House Bill No. 32, recommend that the same do pass.

Also

Having had under consideration House Bill No. 51, recommend that the same do pass.

Also

Having had under consideration House Bill No. 8, recommend that the same do pass.

Also

Having had under consideration House Bill No. 44, recommend that the same do pass.

Also

Having had under consideration House Bill No. 56, report same back to the House with the recommendation that it do pass.

Also

Having had under consideration Substitute House Bill No. 37, report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also

Having had under consideration Substitute House Bill No. 39, report same back to the House with the recommendation that it do pass as amended.

Report adopted.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICES OF BILLS.

By Roberts: A Bill entitled, "An Act to regulate the itinerant vending of medicines, nostrums, and appliances for the treatment of diseases, injury or deformity, and to provide for the licensing of vendors of the same."

By Johnson of Ravalli: A Bill for an Act entitled, "An Act appropriating money for the erection of farm buildings, and providing improvements and equipment at the Horticultural Experiment Substation in Ravalli County."

No objection being offered, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Substitute Bill No. 11, beg leave to report the same back to the House as correctly printed.

Also

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 40, beg leave to report the same back to the House as correctly printed.

On motion of Hayes the House adjourned at 4:30 o'clock P. M. to meet tomorrow at 10:30 o'clock A. M.

Attest:

W. W. McDOWELL, Speaker.

FINLAY McRAE, Chief Clerk.

Seventeenth Day.

Wednesday, January 18, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Terrett.

On motion of Reel, the Journal of the Sixteenth Day as read was approved.

COMMUNICATIONS AND PETITIONS.

Alley from the Committee on Affairs of Cities presented the following communication:

At a meeting of the Committee on Affairs of Cities, held on January 17, it was decided to hold a public meeting of the Committee at the rooms of the Chamber of Commerce in the City of Helena, on Monday, January 23, at 7 o'clock P. M., for the purpose of considering the various plans for the commission form of government for cities and towns.

The members of the House and Senate are invited to be present and participate in said meeting, and they are particularly requested to notify the Mayors and City Councils and all others interested in the commission form of government for cities, to be present thereat.

REPORTS OF STANDING COMMITTEES.

Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred for consideration House Bill No. 65, introduced by Lissner, being a

bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of 1907, relating to license of Telephone, Telegraph, Electric Light, Gas and Water Companies," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Mr. Speaker announced that he was about to sign Senate Joint Memorial No. 3, and signed same in the presence of the House.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Gray, H. B. No. 138: A Bill for an Act entitled, "An Act to amend Section 5773 of the Revised Codes of 1907, in relation to mortgages on growing crops, and providing for a notice from the mortgagor to the purchaser of mortgaged property, and for a penalty for a failure to do so, and providing that the purchaser of mortgaged grain shall retain the purchase price for the benefit of the mortgagee; and providing a penalty for a failure to do so, and to repeal all Acts and parts of Acts in conflict therewith."

By Vaughan, H. B. No. 139: A Bill for an Act entitled, "An Act to provide for the districting of the State of Montana, the appointment of four additional Deputy State Veterinary Surgeons, defining their qualifications, duties and compensation; providing for the testing of bovine animals, their quarantine, destructions and disposition under the general supervision of the Live Stock Sanitary Board."

By Johnson of Ravalli, H. B. No. 140: A Bill for an Act entitled, "An Act appropriating money for the erection of farm buildings and providing improvements and equipment at the Horticultural Experiment Sub-station in Ravalli County."

By Dobell, H. B. No. 141: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to the Constitution of Montana amending Section 4, Article V, and amending Sections 2, 3, 4 and 5 of Article VI, relating to Representation in the Senate of Montana."

By Donohue, H. B. No. 142: A Bill for an Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana, and to fix the number of members thereof.

By O'Flynn, H. B. No. 143: A Bill for an Act entitled, "An Act providing for the regulation and control of domestic and foreign Fraternal Benefit Societies, Associations and Corporations in the State of Montana."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 138, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 139, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 140, read first and second times at length and referred to Committee on Improvemnts and Manufacturing.

H. B. No. 141, read first and second times by title only, and referred to Committee on Apportionment and Representation.

H. B. No. 142, read first and second times by title only, and referred to Committee on Apportionment and Representation.

H. B. No. 143, read first and second times by title only, and referred to Committee on Insurance.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE.

The following communications were received from the Governor:

Executive Office, Helena, Montana, January 18, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

Herewith I submit the Auditor's estimate of receipts and expenses for the biennial period ending February 28, 1913. The estimate of $3,055,000.00 as the gross receipts for the period named is in my judgment as nearly accurate as it is possible to make at this time. In estimating revenue the maximum tax levy allowed by law has been used as a basis, and no other source of income is available under the revenue laws now in force. There will be approximately $260,000.00 cash in the Treasury on March 1, 1911, and the total of the two sums named will be the maximum of appropriations for the next two years that may be made by this Assembly.

The estimate of the expenses of the Executive, Legislative and Judicial departments is sufficient for the purposes named, and the sums mentioned for improvements and maintenance of the State educational institutions were recommended by the State Board of Education.

No account has been taken by the Auditor of any sums required for improvements at the State Prison, to which your attention has heretofore been called, nor to the amount necessary for the maintenance of the State Fair, provided the recommendations submitted in my message of January 3 are carried out. I am firmly convinced that both the State Prison and the State Fair should be placed on a comprehensive business basis and that the funds necessary therefor should be provided.

Many bills will no doubt be presented for appropriations for special purposes and for increases in the salaries of various officials in the service of the State. There may be merit in many of the bills referred to. I suggest, however, that before you give final consideration to appropriations for special purposes you should make the appropriations necessary for the maintenance of the State Departments and Institutions; and that previous to action upon bills for increases of salaries you appoint a joint committee of the two houses to meet and consult with the Governor, the Secretary of State, the Attorney General

and the Auditor relative to the duties, responsibilities and competency required in the various offices.

Some systematic consideration should be given to the question of salaries, to the end that a basis of compensation may be fixed that will be fair and reasonable under the varying conditions existing. The joint committee referred to, after consultation with the State officers named, who are familiar with the financial affairs and administrative duties of the State, may report to the respective houses and make recommendations that will be of value.

Further consideration has strengthened the conclusion that by the exercise of strict economy all State Departments and Institutions may be satisfactorily and efficiently conducted upon a tax levy of less than the maximum amount allowed by law.

EDWIN L. NORRIS, Governor.

AUDITOR'S ESTIMATE OF RECEIPTS AND EXPENDITURES FOR THE BIENNIAL PERIOD ENDING FEBRUARY 28, 1913.

EXECUTIVE DEPARTMENT.

Estimated Expense—	1911.	1912.
For the Office of Governor:		
Salary of Governor	$ 5,000.00	$ 5,000.00
Salary of Private Secretary	2,400.00	2,400.00
Salary of Stenographer	1,500.00	1,500.00
Office and traveling expense of Governor	1,500.00	1,500.00
Montana's proportion expense of Governors' Conference	250.00	250.00
For the Office of Secretary of State:		
Salary of Secretary of State	3,000.00	3,000.00
Salary Deputy	1,800.00	1,800.00
Salary Stenographer	1,500.00	1,500.00
Extra Clerical Hire	700.00	300.00
Office expense	1,500.00	1,500 00
Postage and expressage Session Laws	300.00	
For the Office of State Treasurer:		
Salary of State Treasurer	3,000.00	3,000.00
Salary Assistant	2,100.00	2,100.00
Salary Deputy	1,800.00	1,800.00
Salary Clerk	1,200.00	1,200.00
Traveling expense	500.00	500.00
Office Expense	500.00	500.00
For the Office of State Auditor:		
Salary of State Auditor	3,000.00	3,000.00
Salary Deputy Comm'r of Insurance	2,100.00	2,100.00
Salary Deputy Auditor	1,800.00	1,800.00
Salary Chief Clerk (to be authorized)	1,500.00	1,500.00
Salary two stenographers, each $1,200.00	2,400.00	2,400.00
Extra clerical hire, office and traveling expense	2,000.00	2,000.00

For employment of Actuary, Insurance Department	900.00	900.00
For the Office of Attorney General:		
Salary of Attorney General	3,000.00	3,000.00
Salary First Assistant	2,500.00	2,500.00
Salary Second Assistant	2,500.00	2,500.00
Salary Third Assistant	2,500.00	2,500.00
Salary Law Clerk	1,800.00	1,800.00
Salary Stenographer	1,200.00	1,200.00
Office and traveling expense	2,000.00	2,000.00
For the Office of Superintendent of Public Instruction:		
Salary Superintendent of Public Instruction	3,000.00	3,000.00
Salary Deputy	1,800.00	1,800.00
Salary Clerk	1,200.00	1,200.00
Salary Stenographer	1,200.00	1,200.00
Office and traveling expense	2,000.00	2,000.00
Expense Text Book Commission	1,000.00	1,000.00
For the Office of Railroad Commission:		
Salary of Commissioners	12,000.00	12,000.00
Salary Secretary	3,000.00	3,000.00
Salary Rate Clerk	2,500.00	2,500.00
Salary Inspector	1,800.00	1,800.00
Salary Inspector (to be authorized)	1,800.00	1,800.00
Salary Stenographer	1,200.00	1,200.00
Office and traveling expense, including extra clerical hire and map publications	7,700.00	7,700.00
For the Office of State Examiner:		
Salary State Examiner	2,500.00	2,500.00
Salary First Assistant	2,100.00	2,100.00
Salary Second Assistant	1,500.00	1,500.00
Salary Deputy Examiner (to be authorized)	1,500.00	1,500.00
Salary Clerk	1,200.00	1,200.00
Office and traveling expense	4,000.00	4,000.00
For the Office of State Veterinarian:		
Salary of Veterinarian	3,000.00	3,000.00
Salary Deputy Veterinarian	1,500.00	1,500.00
Salary Clerk	1,200.00	1,200.00
Traveling and Office expense Veterinarian	3,000.00	3,000.00
Traveling expense Deputy Veterinarian	2,500.00	2,500.00
For the Bureau of Agriculture, Labor and Industry:		
Salary Commissioner	2,500.00	2,500.00
Salary Chief Clerk	1,800.00	1,800.00
Salary Stenographer	1,200.00	1,200.00
Office and traveling expense	2,000.00	2,000.00
Publicity Department:		
Salary Clerk	1,800.00	1,800.00
Salary Stenographer	1,200.00	1,200.00

For publicity purposes, including publishing and distributing literature, advertising, office, traveling and other expense.....	5,000.00	5,000.00
For the Office of Boiler Inspector:		
Salary Inspector	2,500.00	2,500.00
Salary Assistant	1,800.00	1,800.00
Salary Second Assistant	1,800.00	1,800.00
Salary Clerk	1,500.00	1,500.00
Office and traveling expense	5,000.00	5,000.00
For the Office of Mine Inspector:		
Salary Inspector	2,500.00	2,500.00
Salary Assistant	1,800.00	1,800.00
Office and traveling expense	2,100.00	2,100.00
For the Office of Coal Mine Inspector:		
Salary Inspector	2,500.00	2,500.00
Office and traveling expense	1,500.00	1,500.00
For the Office of Adjutant General:		
Salary Adjutant General	1,200.00	1,200.00
Office and traveling expense	800.00	800.00
For the State Board of Education:		
Traveling expense members	1,500.00	1,500.00
For the Office of Consolidated Boards:		
Salary Clerk	1,800.00	1,800.00
Office Expense	300.00	300.00
Extra Clerical Hire	200.00	200.00
Traveling expense members	500.00	500.00
For the State Law Library:		
Salary Librarian	2,000.00	2,000.00
Maintenance and expense Library	800.00	800.00
Purchase of books	2,000.00	2,000.00
Expense moving to new quarters		450.00
Cost additional book cases and equipment (metal)		3,000.00
Additional furniture, floor covering, etc., new quarters		1,000.00
For the State Historial Library:		
Salary Librarian	1,800.00	1,800.00
Salary First Assistant	1,200.00	1,200.00
Salary Second Assistant	1,200.00	1,200.00
Salary Third Assistant (to be authorized)..	1,200.00	1,200.00
Expense, including purchase of books, etc..	3,000.00	3,000.00
For the State Board of Horticulture:		
Salary Secretary	1,000.00	1,000.00
Expense	6,000.00	6,000.00
For the Farmers' Institute:		
Expense	8,000.00	8,000.00
For the State Board of Examiners:		
Salary Clerk	1,800.00	1,800.00

Salary State Accountant	1,800.00	1,800.00
Office expense	150.00	150.00
Extra Clerical Hire	200.00	200.00
Traveling expense members and employees	1,500.00	1,500.00
For Contingent Expense State Board of Examiners:		
Contingent expense, to be authorized by State Board of Examiners	2,500.00	2,500.00
For State Board of Health:		
Salary Secretary	3,000.00	3,000.00
Salary Clerk	1,200.00	1,200.00
Expense	3,000.00	3,000.00
For the State Board of Charities and Reform:		
Expense	300.00	300.00
For State Board of Examiners for Coal Mine Inspector:		
Salary and Expense	1,000.00	1,000.00
For the Bureau of Child and Animal Protection:		
Salary Secretary	2,400.00	2,400.00
Salary First Deputy	1,800.00	1,800.00
Salary Second Deputy	1,800.00	1,800.00
Salary Third Deputy	1,800.00	1,800.00
Salary Fourth Deputy	1,800.00	1,800.00
Salary Stenographer	900.00	900.00
Office and traveling expense	4,800.00	4,800.00
For the State Fair:		
Salary Secretary	1,200.00	1,200.00
For the Office of State Engineer:		
Salary State Engineer	2,500.00	2,500.00
Field and Office expense	500.00	500.00
For the Transportation of Prisoners:		
Expense of Sheriffs in transporting prisoners to State Penitentiary	6,500.00	7,000.00
For requisitions	2,500.00	2,750.00
For rewards	2,000.00	2,000.00
For Public Printing	20,000.00	20,000.00
For maintenance and Care of Capitol Building and Grounds	25,000.00	30,000.00
For Maintenance National Guard	12,000.00	12,000.00
For State Entomologist:		
Expense	500.00	500.00
For Fire and Burglar-proof safe for Office of State Treasurer	3,000.00	
For Salary Acting Governor	500.00	500.00
Total	$302,900.00	$309,400.00

JUDICIAL DEPARTMENT.

Estimated Expense—	1911.	1912.
For the Supreme Court:		
Salaries three Justices	$ 18,000.00	$ 18,000.00
Salary Clerk Supreme Court	2,500.00	2,500.00
Salary Stenographer Supreme Court	2,400.00	2,400.00
Compensation Justices Reporting Decisions.	4,500.00	4,500.00
Salary Marshal	1,200.00	1,200.00
Salary Attendant	1,200.00	1,200.00
Office and other expense Clerk Supreme Court	500.00	500.00
Expense Court not otherwise provided for..	500.00	500.00
For Salaries District Judges	80,000.00	80,000.00
Expense of Judges sitting in places of other Judges	2,000.00	2,000.00
For Salaries County Attorneys	26,000.00	26,000.00
For Printing Montana Reports	1,800.00	1,800.00
Total	$140,600.00	$140.600.00

STATE INSTITUTIONS.

Estimated expense for—	1911.	1912.
Maintenance Insane Asylum and Care Insane...	$205,000.00	$215,000.00
Maintenance State Prison and care Prisoners..	145,000.00	155,000.00
Maintenance Agricultural College	50,450.00	51,755.00
Maintenance School of Mines	33,000.00	35,000.00
Maintenance School for Deaf and Blind	50,00.00	60,000.00
Maintenace State University	86,000.00	89,000.00
Maintenance Reform School	30,000.00	30,000.00
Maintenance Normal School	41,820.00	41,820.00
Maintenance Orphans' Home	44,000.00	48,000.00
Maintenance Soldiers' Home	20,000.00	22,500.00
Total	$705,270.00	$748,075.00

MISCELLANEOUS.

Estimated Expense—	1911.	1912.
Orphans' Home:		
Improvements	61,000.00	
University:		
Purchase additional ground	20,000.00	20,000.00
Repair fences, sewers and walks	2,000.00	
School of Mines:		
Purchase additional ground and improvement of grounds	35,000.00	
Reform School:		
Manual Training School	5,000.00	5,000.00
Sewer improvements	4,000.00	

Normal School:		
Improvements	19,750.00	
Deaf and Blind School:		
Printing Press and equipment	1,600.00	
Purchase of spring and piping of water from same	2,800.00	
Purchase of cattle	1,000.00	
Construction of horse barn, granary and machine sheds 1912		5,000.00
Agricultural College:		
Experiment Stations	20,000.00	22,500.00
Dry Farm Sub-Station, Fergus County	3,000.00	3,000.00
Establishment of Green House	10,000.00	
Construction sheds and other buildings	4,000.00	
Improvements Fergus County Sub-Station	4,500.00	
Demonstration Dry Land Farming	12,000.00	
Construction Buildings and Water System, Ravalli County Horticultural Sub-Station	2,500.00	
Maintenance Ravalli County Horticultural Sub-Station	2,000.00	2,000.00
Maintenance State Fair	12,000.00	12,000.00
Betterment State Fair	5,000.00	5,000.00
For Sheep Inspection and Indemnity Fund	10,000.00	10,000.00
For Stock Inspector and Detective Fund	10,000.00	10,000.00
For Live Stock Sanitary Board	5,000.00	5,000.00
Total	$252,150.00	$104,500.00

DEFICIENCIES.

Care of Prisoners (1910)	$40,000.00
Care of Insane (1910)	7,000.00
Miscellaneous (1910)	10,000.00
Total	$57,000.00

LEGISLATIVE EXPENSE.

Twelfth Legislative Assembly:	1911.
Per Diem Members	$ 60,000.00
Mileage Members	3,500.00
Expense Officers and attaches	26,500.00
Incidental expense Legislative Assembley	10,000.00
Total	$100,000.00

RECAPITULATION OF ESTIMATED EXPENSES.

Estimated Expense—	1911.	1912.
Executive Department	$302,900.00	$ 309,400.00
Judicial Department	140,600.00	140.600.00
State Institutions	705,270.00	748,075.00

Miscellaneous	252,150.00	104,500.00
Legislative Expense	100,000.00	
Deficiencies 1910	57,000.00	
Total	$1,557,920.00	$1,302.575.00

ESTIMATED INCOME.

Estimated Revenue—	1911.	1912.
Taxes received from counties, based on 2 1-2 mill levy	$750,000.00	$ 800,000.00
Licenses	350,000.00	375,000.00
State Officers' fees	250,000.00	250,000.00
Inheritance Tax	20,000.00	20,000.00
Transfers and miscellaneous receipts	15,000.00	15,000.00
Total	$1,385,000.00	$1,460.000.00
Interest on bonds and income from land grants, available for maintenance of State Educational Institutions	$100,000.00	$110,000.00
Total	$1,485,000.00	$1,570,000.00

RECAPITULATION OF INCOME AND EXPENSES.

Estimated income 1911	$1,485,000.00
Estimated income 1912	1,570,000.00
Estimated gross income for 1911 and 1912	$3,055,000.00
Estimated expenses 1911	$1,557,920.00
Estimated expenses 1912	1,302,575.00
Estimated gross expense for 1911 and 1912	$2,860,495.00
Gross income estimated for 1911 and 1912	$3,055,000.00
Gross expense estimated for 1911 and 1912	2,860,495.00
Balance estimated income over expense	$ 194,505.00

Eliel moved that the reading of the Auditor's estimate of receipts and expenditures for the biennial period ending February 28, 1913, appended to the Governor's message be dispensed with, whereupon the chair stated that it was his desire that the same be read in detail.

On motion of Baker, said Auditor's estimates were read in detail.

On motion of Eliel, it was ordered that 250 copies of the Governor's communication, together with the Auditor's estimate of receipts and expenditures for the biennial period ending February 28, 1913, be printed for use of the members.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: Herewith claims amounting to $332.70 which were incurred by the State Board of Examiners for Coal Mine Inspector, which

we have the honor to submit to you. The claims were not allowed as no appropriation was made for the same.

Very respectfully,

STATE BOARD OF EXAMINERS,

EDWIN L. NORRIS,
President.

ALBERT J. GALEN,

A. N. YODER,
Secretary.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: We have the honor to submit herewith a claim of J. K. O'Rourke, amounting to $306.20 on account of "Requisitions," which was not allowed for the reason that the appropriation was exhausted.

Very respectfully,

STATE BOARD OF EXAMINERS,

EDWIN L. NORRIS,
President.

ALBERT J. GALEN,

A. N. YODER,
Secretary.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: We have the honor to submit the following claims amounting to $274.95 for transporting prisoners to the State Prison in the year 1909, which were not allowed as the appropriation had been exhausted.

Very respectfully,

STATE BOARD OF EXAMINERS,

EDWIN L. NORRIS,
President.

ALBERT J. GALEN,

A. N. YODER,
Secretary.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: The attached bounty claims, amounting to $127.00, which were disallowed by the State Board of Examiners for the reason that they were issued under the old law, after the law of 1907 had been passed, are hereby referred to you, without recommendation, for such action as may to you seem proper.

Very respectfully,

STATE BOARD OF EXAMINERS,

EDWIN L. NORRIS,
President.

ALBERT J. GALEN,

A. N. YODER,
Secretary.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: Herewith is referred to you for such action as may to you seem fit, correspondence from Dr. C. A. Duniway, President of the University of Montana, in reference to a desired building on an island in Flathead Lake.

Very respectfully,

STATE BOARD OF EXAMINERS,
EDWIN L. NORRIS,
President.
ALBERT J. GALEN,
A. N. YODER,
Secretary.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: We have the honor to submit herewith claim of O. A. Fallang, Sheriff of Sweet Grass County, for $22.50 on account of "Requsitions," which could not be allowed for the reason that the appropriation was exhausted.

Very respectfully,

STATE BOARD OF EXAMINERS,
EDWIN L. NORRIS,
President.
ALBERT J. GALEN,
A. N. YODER,
Secretary.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: It appearing that there will be a deficiency of Four Hundred Dollars ($400.00), in the expense account of the State Boiler Inspector up to the 1st of March, 1911, we hereby ask a deficiency appropriation to cover the same.

Very respectfully,

STATE BOARD OF EXAMINERS,
EDWIN L. NORRIS,
President.
ALBERT J. GALEN,
A. N. YODER,
Secretary.

Helena, Montana, January 16, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen: It appearing that there will be a deficiency of Forty Thousand Dollars ($40,000.00), for the care of Prisoners at the State Prison up to March 1, 1911, we hereby ask a deficiency appropriation

of this amount or as much thereof as may be necessary to cover the same.

Very respectfully,

STATE BOARD OF EXAMINERS,

EDWIN L. NORRIS,

President.

ALBERT J. GALEN,

A. N. YODER,

All of these communications, together with all papers attached thereto, were referred to the Committee on Appropriations by Mr. Speaker.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, January 18, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, on motion by Donlan, duly seconded, I have been instructed to notify the House that Sykes was named as additional member on Investigating Committee of Live Stock Board Defalcation, which increases the Committee of the Senate to three to conform to the Joint Rules.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 15, introduced by Christopher; A Bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector," having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bernard, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis & Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn,O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—66.

Noes—Jacobson and Jordan—2.

Absent and not voting—Bell, Berry, Burt, McNally, Terrett and Vaughan—6.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Joint Resolution No. 3, introduced by Jordan; "Relating to a request of Congress to grant land to the State for the establishment and maintenance of a Tuberculosis Hospital," having been

read three several times, was placed on its final passage and passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurray, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—68.

Noes—None.

Absent and not voting—Brady, McNally, Ralston, Rodgers, Terrett and Wheeler of Silver Bow—6.

Title agreed to.

In accordance with the motion of Word, the Chief Clerk called the roll at ten minutes of twelve and found all present except Terrett.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All members of the Senate were found present.

All the members of the House were found present except Terrett.

Mr. President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce his vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly, Stout and Whiteside—9.

For W. G. Conrad—Cockrell and Gallway—2.

For T. A. Marlow—Burlingame, Christopher and Sykes—3.

For T. M. Swindlehurst—Conrow—1.

For T. C. Power—Everett—1.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Ebert, Johnson of Ravalli, Kammerer, Law, Lissner, Macdonald, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Whaley, Wheeler of Silver Bow, Woody and Ward—24.

For W. G. Conrad—Alley, Baker, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kirschwing, O'Flynn, Tuttle, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Story, Swick, Tolman and Williams—24.

For T. A. Marlow—Bell, Slayton, and Vaughan—3.

For Theodore Brantly—Higgins, Jordan, Murray and Stevens—4.

For John Hayes—McNally—1.

For J. H. McCarthy—Moore of Silver Bow—1.

For C. N. Pray—Reser—1.

Total—73.

Absent and not voting—Terrett—1.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	33
For T. H. Carter	34
For W. G. Conrad	17
For Thos. A. Marlow	6
For Theodore Brantly	4
For T. M. Swindlehurst	1
For T. C. Power	1
For Wm. Lindsay	1
For John Hayes	1
For Carl Rasch	1
For J. H. McCarthy	1
For C. N. Pray	1
Total	101
Absent and not voting, Terrett	1
Grand Total	102

On motion of Senator Whiteside, the following motion was adopted:

Resolved, That the joint rule providing for pairs be the rule of the joint assembly in the matter of the election of a United States Senator and that all joint rules so far as they apply, shall govern the proceedings of this assembly.

The President thereupon announced no election and on motion of Senator Edwards the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Hewett moved to recess until two o'clock.

On motion of Blackburn, this motion was amended to recess until 2:30 o'clock.

Pursuant to amended motion recess was taken at 12:40 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called and all found present except Bernard, Rodgers and Terrett.

On motion of McNally, the Committee on Labor was excused from the House.

Baker moved that Substitute for House Bill No. 39 be recommitted to the Committee on Printing.

Story moved as an amendment that it be re-committed to the Committee of the Whole.

Motion as amended prevailed.

Herbold moved that Substitute for House Bill No. 39 be made a special order of business for Friday at two o'clock P. M.

Motion prevailed.

REPORTS OF STANDING COMMITTEES.

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 71, A Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty ($250.00) Dollars for the payment of the deficiency claim of Dr. D. S. McKenzie, for services as meat and milk inspector, in Chouteau County, from December 1st, 1904, to March 31st, 1905, inclusive," beg leave to report the same favorably to the House with the recommendation that the same do pass.

Report adopted.

Also

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 34, a bill for an act entitled: "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health with relation to food and drugs, their inspection, purity and misbranding; constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in

which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to secure a license, without cost, from the state Board of Health, providing for a Chemist to the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of the provisions of this Act, and repealing Acts and parts of Acts in conflict herewith," beg to report the same favorably to the House with the recommendation that the same do pass, with the following recommendation:

That Section 14 be amended to read as follows:

"Section 14. The sum of seven thousand five hundred ($7,500.00) dollars, or as much thereof as may be needed, is hereby appropriated from the general fund of the State for the purpose of defraying all expenses incurred by the State Board of Health in enforcing the provisions of this Act during the year ending March 1, 1912, and the sum of six thousand five hundred ($6,500.00) Dollars or so much thereof as may be needed is hereby appropriated from the general fund of the State for the purpose of defraying all expenses incurred by said Board in the enforcement of the provisions of this Act during the year ending March 1, 1913."

Report adopted.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 76, 41 and 24 beg leave to report same back to the House as correctly printed.

No objection being offered Mr. Speaker reverted back to the sixth order of business.

MOTIONS AND RESOLUTIONS.

Macdonald introduced the following resolution:

January 18, 1911.

BE IT RESOLVED: By the House that a committee of three, headed by the Chairman of the Committee on Appropriations, be appointed by the Speaker, to act in conjunction with a like committee of three, headed by the Chairman of the Committee on Finance and Claims, to be appointed by the Senate, in accordance with the suggestions made in the message of the Governor received this day, for the purpose of collecting all necessary and proper data and information respecting the salaries of State Officers and Deputies and making recommendations with respect thereto, and with respect to all incidental appropriations.

Report adopted and Mr. Speaker appointed the following Committee consisting of Blackburn, Macdonald and Hewett, in accordance therewith.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, January 18, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Mont.

I desire to communicate to the House the information that I have this afternoon been advised by telegraph of the death in Los Angeles, California, of Hon. W. W. D. Terrett, one of the Representatives from Custer County in the House of Representatives of the Twelfth Legislative Assembly.

EDWIN L. NORRIS,
Governor.

On motion of Burt, the Speaker appointed a committee of three, consisting of Burt, Paul and Donohue, to draft proper resolutions concerning the death of Hon. W. W. D. Terrett.

On motion of Paul, the House adjourned at 3:00 o'clock P. M., as an additional mark of respect on the death of Mr. Terrett, to meet at 10:30 o'clock A. M. tomorrow.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Eighteenth Day.

Thursday, January 19, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called and all members found present.

On motion of Reel, the Journal of the Seventeenth day as read was approved.

NOTICES OF BILLS.

By Berry: A Bill for an Act entitled, "An Act to create and establish a Bureau of Legislative Information and Reference, designating its members, and defining its powers and duties."

By Berry: A Bill for an Act entitled, "An Act providing for the admission in evidence of confessions of the accused in criminal cases."

By Owenhouse: A Bill entitled an Act appropriating money for the erection and furnishing of an Engeineering Building at the Montana Agricultural College at Bozeman, Montana.

By Holter: A Bill for an Act entitled, "An Act to authorize Trustees in school districts of the first class to acquire, by purchase, public playgrounds, and to provide for the levy of taxes to pay for the same."

By Vaughan: A Bill entitled, "An Act to provide for an exhibit of

the products of the State of Montana at the International Exposition to be held in 1915, in celebration of the opening of the Panama Canal; to provide a Commission to have charge of the collection and display of the Montana exhibit and to appropriate money to pay the expenses thereof."

By Brady: A Bill for an Act entitled, "An Act providing for the substitution and exchange of water for irrigation, by appropriators and users of water from the same source or stream."

By Blake: A Bill for an Act entitled, "An Act to provide for the organization and government of cities of more than five thousand population, under a commission form of government, and the adoption thereof by special election, and repealing all Acts and laws inconsistent or in conflict with this Act."

By Burt: A Bill entitled, "An Act to amend Section 5761 of the Revised Codes of Montana of 1907, relating to filing of mortgages of personal property, and the duties of the County Clerk in relation thereto."

By McQuitty: A Bill for an Act to create the County of Merino, designate its boundaries, and provide for its organization and government.

By Johnson of Ravalli: A Bill by request of Mr. Woody, and a long petition from the residents of Ravalli County, changing the name of Missoula County to that of Rattlesnake County.

By Nolan: A Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Live Stock Sanitary Board during January and February, 1911."

By Word: A Bill for an Act entitled, "An Act authorizing the Montana Childrens' Home Society to take from the Orphans' Home at Twin Bridges, dependent children, and to place them in carefully selected homes for adoption, and to provide compensation for their placing and care."

By Story: A Bill for an Act entitled, "An Act to provide that aliens shall pay a gun license, and providing a penalty for failure to obtain a license; to provide for and regulate the duties of the Game and Fish Warden and his deputies."

By Grubb: A Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana, relating to conditional sale and the filing of contract notes."

By Grubb: A Bill for an Act to amend Section 6658 of the Revised Codes of Montana, relating to attachments."

By Vaughan: A Bill for an Act entitled, "An Act to amend Sections 1 and 2, of Chapter 90 of the Eleventh regular session of the Legislative Assembly, relating to licenses."

By Blackburn: A Bill for an Act entitled, "An Act prohibiting the use of a false name, defining evidence establishing prima facie evidence of the same, and providing punishment for the violation of this Act."

There being no objection, Mr. Speaker reverted back to the first order of business.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Inasmuch as Representative Woody of Missoula County, has given notice of a Bill to change the name of Ravalli County to McIntosh Red County, we, the undersigned, do herewith petition Representative Johnson of Ravalli County to introduce a Bill changing the name of Missoula County to Rattlesnake County.

Signed by "K. H. Kellogg" and 51 others.

REPORTS OF STANDING COMMITTEES.

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 16, introduced by Byrnes, the same being a bill for an Act to provide for the issue and sale, by the State Board of Examiners, of bonds for the purpose of acquiring additional lands for use as State Capitol Grounds in the City of Helena, Montana, respectfully report that said bill has been considered, and your committee report a substitute bill, which is herewith submitted, said substitute bill differing from the original in that it provides that the ground so to be purchased or acquired, shall not exceed in quantity forty (40) acres, and specifically limits the bond issue to an amount equal to the purchase price of said limited tract, and your committee recommend the adoption of said substitute bill in lieu of the original.

Report adopted.

Byrnes moved that the Original bill contained in this report be printed.

Motion prevailed.

Also

Nolan from the committee on State Institutions, Public Buildings and Grounds reported as follaws:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 105, introduced by Law, the same being a bill for an Act entitled, "An Act appropriating money for the erection of green houses and farm buildings at the Montana Agricultural Experiment Station at Bozeman," recommend that the same do pass, and this bill carrying an appropriation, should forthwith go to the Committee on Appropriations.

Report adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, who have had under consideration House Bill No. 96, introduced by Higgins, the same being a bill for an Act entitled, "An Act to create and

establish a law school at Missoula, to be conducted and operated as a department of the University of Montana, to provide a name and to make an appropriation therefor," respectfully recommend that the same do pass, and the bill in question carrying an appropriation should forthwith go to the Appropriations Committee.

Report adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 106, introduced by Kirschwing, the same being a bill for an Act entitled, "An Act to amend Section 9779 of the Revised Codes of 1907, designating the name of the Montana State Reform School to the Montana Industrial School," report that they have amended the bill in the following particulars: They have substituted in the title, the word "changing" for "designating," and they have likewise before the word "school," as the same appears in Section 9779, inserted the word "reform," and recommend that the Bill, as amended, do pass.

Report adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 28, introduced by Gillis, the same being an Act entitled, "An Act appropriating money for the payment to Conley & McTague Company of the amount due it for property belonging to it within the Prison Walls and adjacent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana," report that they have amended the same by eliminating therefrom, the item of $3,113.78, and they have changed the item of $5,759.38 so as to read $2,645.60, and as thus amended, they recommend that the bill do pass.

Report adopted.

Also

McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We, your Committee on Federal Relations, to whom was referred House Joint Memorial No. 1, relating to the establishment of pleasure parks in irrigation districts and abandoned military reservations, recommend that the same be adopted.

Report adopted.

Also

McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We, your Committee on Federal Relations, to whom was referred Senate Joint Memorial No. 1, relating to the opening of the Crow Reservation, having had same under consideration, recommend that it be adopted.

Report adopted.

Also

McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

Your Committee on Federal Relations, to whom was referred Senate Joint Memorial No. 2, beg leave to report as follows: Recommend that it be concurred in.

Report adopted.

Also

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bills Nos. 44, 27, 32, 8, 56 and Substitute 39 and 51 are correctly engrossed.

Report adopted.

Also

Crouch of the Committee on Privileges and Eelections reported as follows:

Mr. Speaker:

We, your Committee on Privileges and Elections having had under consideration House Bill No. 1, introduced by Byrnes, a Bill for an Act entitled, "An Act to provide for party nominations by direct vote," recommend that it do pass.

Report adopted.

Also

Crouch from the Committee on Privileges and Elections reported as follows:

Mr. Speaker:

We, your Committee on Privileges and Elections having had under consideration House Bill No. 36, introduced by Binnard, a Bill for an Act entitled, "An Act to provide for party nominations by direct vote," recommend that it be indefinitely postponed on account of it covering practically the same provisions as House Bill No. 1.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Berry, H. B. No. 144: A Bill for an Act entitled, "An Act to increase the powers of cities, conferring upon city councils the power to levy a special tax for the special purpose of installing an electric lighting system, providing the same shall have first been authorized by a majority vote of the taxpayers affected thereby."

By Woody, H. B. No. 145: A Bill for an Act entitled, "An Act au-

thorizing cities to install upon any of their streets or avenues, any special system or systems of street lighting, and to assess the cost and expense of installing, maintaining and operating the same, or any part thereof, against the property directly benefited thereby."

By Vaughan, H. B. No. 146: An Act to regulate common carriers, and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana certain powers in relation thereto.

By Donohue, H. B. No. 147: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2, of Article IX of the Constitution of the State of Montana, relating to rights of suffrage and qualifications to hold office."

By Donohue, H. B. No. 148: A Bill for an Act to repeal Section 4073 Revised Codes of 1907, relating to taxation of insurance companies on excess premiums over losses and ordinary expenses incurred within the State.

By Jordan, H. B. No. 149: A Bill for an Act entitled, "An Act to establish a Sub-Experimental Station in Madison County, Montana, and providing for the acquisition of land for the same, and the direction thereof, and appropriating money therefor."

By Wheeler of Cascade, H. B. No. 150: A Bill for an Act entitled, "An Act to create the County of Daly, designating its boundaries and providing for its organization and government."

Also

By Slayton: House Joint Memorial No. 3, A Memorial to Congress asking that the Snowy Mountains National Forest may be made a Game Preserve.

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 144, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 145, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 146, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 147, read first and second times by title only, and referred to Committee on Development and Publicity.

H. B. No. 148, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 149, read first and second times at length, and referred to Commitee on State Institutions, Public Buildings and Grounds.

H. B. No. 150, read first and second times by title only, and referred to Committee on New Counties and Divisions.

MOTIONS AND RESOLUTIONS.

Duffy of Granite moved that no committees be permitted to meet

while the House was in session and that all commitees as are now in session be ordered through the Sergeant-at-Arms to resume their seats in the House forthwith.

Referred to Committee on Rules, Joint Rules and Order of Business.

READING OF MEMORIALS.

House Joint Memorial No. 3, introduced by Clayton, a Memorial to Congress asking that the Snowy Mountains National Forest may be made a game reserve, read first and second times at length and referred to Committee on Federal Relations.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 84, entitled, "An Act regulating and limiting the hours of employment for female employees, and governing the conditions under which female employees shall work, in certain industries, and providing penalties for violation thereof," beg leave to report that it recommends that the bill do pass.

Report adopted.

Also

McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 94, entitled, "An Act invalidating the assignment or transfer of unearned wages or salary and regulating assignments and transfers of salary," beg leave to report that the same be referred to the Judiciary Committee.

Report adopted and referred to Committee on Judiciary.

Also

McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 132, entitled, "An Act relating to coercing or compelling of persons not to join labor organizations or to cease membership in labor organizations, and providing for a penalty for the violation of this Act, beg leave to report that Section 1, of House Bill No. 132 be amended by inserting the words "to enter" in line four, following the word "person."

Also

That Section 2 of this Act be stricken out and the following words inserted in lieu thereof:

"Section 2. Any person found guilty of the violation of the provisions of Section 1 of this Act shall be punished for each separate offense (and each and every individual case shall constitute a separate offense) by a fine of not less than Twenty-five Dollars nor more than One Hundred Dollars, or by an imprisonment in the County jail for a

period of not less than ten days, nor more than thirty days, or by both such fine and imprisonment," and recommends that this Bill do pass as amended.

Report adopted.

Also

McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 120, entitled, "An Act relating to and regulating the sale of convict-made goods within the confines of the State of Montana, requiring all persons or corporations selling or offering for sale convict-made goods to take out a license, and providing a penalty for the violation of this Act, and for the disposal of such penalty," beg leave to report the same with the recommendation that the following amendments be made:

Strike out the word "deputy" before the words "Labor Commissioner," in Sections 10 and 11, of said Bill, and also by adding to said Bill the following paragraph to be designated as Section 12:

Section 12. This Bill shall be in full force and effect from and after its passage and approval by the Governor.

Report adopted.

The following communication was received:

To the Honorable The House of Representatives, Twelfth Legislative Assembly, Helena, Montana.

Gentlemen:

For your information I hand you herewith copy of an opinion which I addressed to His Excellency, Governor Edwin L. Norris, concerning the enrollment of bills.

Experiences in the past have shown that enrollment in long hand greatly retards the work of the Legislative Assembly, and as a result thereof many errors and mistakes have appeared in our laws.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.

January 9th, 1911.

Hon. Edwin L. Norris, Governor, Helena, Montana.

Dear Sir: In answer to your verbal request for an opinion touching the necessity of the enrollment of Legislative Bills at length by hand, you are advised as follows:

That Section II, Article V, of the Constitution, provides, that the Legislative Assembly shall make such rules for the transaction of its business as the separate Houses shall see fit. Heretofore the Legislative Assesmblies have provided for the appointment of a committee known as the Enrollment Committee, under the direction of which committee, bills in their final form have been enrolled and there is no constitutional or statutory provision making the enrollment necessary.

I do not see any objection to having the enrolled bills printed or typewritten.

Yours very truly,
ALBERT J. GALEN,
Attorney General.

On motion of Eliel, this communication was referred to the Committee on Rules, Joint Rules and Order of Business.

In accordance with the motion of Word, the Chief Clerk called the roll at ten minutes of twelve and found all present except Moore of Valley and Nelson.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the Members of the House were found present except Nelson.

Mr. President, finding a quorum of both sides present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Leighton, McDonnell, Selway, Survant and Tooley—9.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly, Stout and Whiteside—9.

For W. G. Conrad—Cockrell and Gallway—2.

For H. A. Meyer—Burlingame—1.

For Judge Holloway—Christopher—1.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—Everett—1.

For H. F. Guth—Larson—1.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

For W. R. Allen—Sykes—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Ebert, Johnson of Ravalli, Johnson of Lewis and Clark, Kirschwing, Law, Lissner, Macdonald, McMurray, McQuitty, Martin, Nolan,

O'Hern, Owenhouse, Reel, Whaley, Wheeler of Silver Bow, Woody and Word—25.

For W. G. Conrad—Alley, Baker, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Kammerer, O'Fylnn, Tuttle, Wheeler of Cascade and Mr. Speaker—14.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Story, Swick and Williams—21.

For J. S. Todd—Bell, Higgins and Vaughan—3.

For H. F. Guth—Jacobson—1.

For A. J. Galen—Jordan and Slayton—2

For John Hayes—McNally—1.

For Jerry Connelly—Moore of Silver Bow—1.

For A. H. Yoder—Murray and Stevens—2.

For John Survant—Reser—1.

For Wm. Lindsay—Tolman—1.

Total—72.

Absent and not voting—Nelson—1.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	34
For T. H. Carter	30
For W. G. Conrad	16
For J. F. Todd	3
For H. F. Guth	2
For Wm. Lindsay	2
For A. J. Galen	2
For A. N. Yoder	2
For H. A. Meyer	1
For Judge Holloway	1
For T. M. Swindlehurst	1
For C. N. Pray	1
For Carl Rasch	1
For W. R. Allen	1
For John Hayes	1
For Jerry Connelly	1
For John Survant	1
Total	100
Absent and not voting—Nelson	1
Grand total	101

The President announced no election.

Senator Whiteside offered the following resolution:

RESOLUTION.

Whereas, Henry Cabot Lodge, a Republican, has been elected to the United States Senate from the State of Massachusetts, receiving the votes of certain so-called Democratic members of the Legislative Assembly of that State;

Now therefore, be it resolved, That this assembly views with abhorence and disgust, the action of the alleged Democrats in voting for a Republican. We regard such action as prima facie evidence of a corrupt bargain, and we call upon those who represent Montana in the United States Senate to demand a most rigid investigation of said election, to the end that the guilty parties may be punished.

We regard any member of a legislative assembly who votes for one of opposite political faith for United States Senator, as a traitor to his constituents, and a man unfit to remain as a member of any legislature.

We regard any man who will accept an election tainted with such unmistakable fraud and corruption as unfit and unworthy to hold the high office of Senator in the Congress of the United States.

Resolved, That a copy of this resolution, duly authenticated by the President of the Senate and Speaker of the House, be transmitted to the Senate of the United States.

WHITESIDE.

On motion of Senator Whiteside, resolution was adopted.

On motion of Senator Donlan, the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Kirschwing recess was taken at 12:30 P. M. until 2:30 P. M.

AFTERNOON SESSION.

House re-assembled at 2:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called and all members found present except English and Nelson.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, January 19, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

On August 11, 1910, I appointed Judge Sydney Sanner of Miles City, Hon. Albert J. Galen of Helena, Judge H. H. Ewing of Great Falls, Hon. Edward Donlan of Missoula, Hon. J. C. McCarthy of Bozeman, and Hon. Clinton H. Moore of Butte, as members of a commission to prepare a comprehensive road law for submission to this Assembly. Herewith I submit the report and bill as prepared by that Commission.

I have not had the opportunity to make a detailed examination of the bill presented, but my high opinion of the men who prepared it and my knowledge of the very earnest consideration given by them to the subject convince me that the result of their labors merits a most thorough examination at your hands.

The members of this and other commissions whose reports will be communicated to you have faithfully performed the work requested of them, and I suggest that the thanks of the Assembly be extended to them. They have labored without expectation of reward, but I recommend that you reimburse them to the extent of the actual expenses incurred by them in the performance of their respective duties.

EDWIN L. NORRIS, Governor.

Helena, Montana, January 14, 1911.

Hon. Edwin L. Norris, Governor, Capitol Building.

Sir: On behalf and by direction of the Commission appointed by you to prepare a draft for a comprehensive and general Highway Law for the State of Montana, I transmit herewith the copies of the draft as finally settled and determined by the Commission.

In the preparation of this draft, the Commission has devoted considerable amount of time and study, having been actuated mainly by a consideration of what seemed to it to be attainable at this time, rather than the formulation of a road law that might be considered as ideal. For this reason, care has been taken to depart as little as possible from the existing machinery of administration, in order that the transition from the old to the new system, should the bill be adopted, might be easily made. The Commission have thought it best to maintain for Counties of the first class, the present centralized system of administration for common highways, in order that conditions in Silver Bow County might not be unnecessarily affected.

The Commission has also retained, in the chapter on "Main Highways," the provisions of the Owenhouse Bill, passed by the last Legislative Assembly, as affording a method of County aid, independent of a State aid, which is the purpose of the chapter on "State Highways."

There is also provided in the Bill, provisions for convict labor on public highways, for a license upon motor vehicles, and for the elimination of toll roads.

Minor amendments have also been made in provisions now considered and continued in substance in order that such provisions might either make good sense or be consistent with the general purposes of the bill.

It has been the desire of the Commission to make this draft and general highway law, furnish within itself the entire body of the law upon this important subject. It is readily appreciated that differences of opinion must arise upon many of the subjects covered by the bill, especially with regard to the employment of convict labor, and other matters, but after a careful consideration of all of the objections that your Commission could hear and consider, the draft herewith trans-

mitted, expresses its best sense of what is practicable under the present conditions of the State at this time.

Very respectfully,

(Signed) SYDNEY SANNER,
Chairman.

(To the foregoing communication was attached the said bill referred to.)

The Governor's message was referred to the Committee on Highways.

The following communications were received from the Senate:

Senate Chamber, Helena, Mont., January 18, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of Bills were this day given:

By McCarthy: A Bill for an Act entitled, "An Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salaries and expenses of the State Examiner, his assistants, deputies and clerks, and providing for the appointment of a deputy therefor."

By Larson: Senate Joint Memorial Petition to Congress to enact such legislation as will relieve settlers on irrigation projects.

Respectfully,

NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, January 18, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 68, by Survant: A Bill for an Act entitled, "An Act providing for the registration of electors and providing penalties for the violation thereof." Referred to Committee on Elections and Privileges.

Senate Bill No. 69, by Tooley: A Bill for an Act entitled, "An Act authorizing the Commissioner of Insurance to examine into the affairs of any corporation, association or company in process of organization, or being promoted, in this State, for the purpose of transacting the business of insurance, and the providing for the publication of the result of such examination if deemed expedient and necessary." Referred to Committee on Insurance.

Senate Bill No. 70, by Cockrell: A Bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Penitentiary." Referred to Commitee on Judiciary.

Senate Bill No. 71, by Cockrell: A Bill for an Act entitled, "An Act to amend Sections 7362, 7363 of the Codes of Montana of 1907, relative to change of name." Referred to Judiciary Committee.

Senate Bill No. 72, by Meyer: A Bill for an Act entitled, "An Act defining the term 'itinerant vendors,' to regulate the licensing of same, to fix the amount of such license, to provide penalties for the violation of such regulation and for other purposes." Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate

Senate Chamber, Helena, Montana, January 18, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, Senate Substitute for S. B. No. 35, was this day introduced by Committee on Counties, Towns and Municipal Corporations, and recommended that it do pass, as amended; report adopted and referred to Printing Committee.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 18, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, Senate Bill No. 3, having been read three several times and passed, it herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 19, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, a communication from the House asking for return of House Joint Resolution No. 2, for correction of history was this day withdrawn from committee on Federal Relations of the Senate and the Secretary was instructed to return same to the House, and same is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the State.

Senate Chamber, Helena, Montana, January 19, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 3 having been read three several times and concurred in, is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the State.

Senate Chamber, Helena, Montana, January 19, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notice of Introduction of a Bill was this day given:

By McDonnell: A Bill for an Act entitled, "An Act to provide separate ballots for the election of members of the Supreme Court and Judges of the District Court of the State of Montana."

Respectfully,

NATHAN GODFREY,

Secretary of the State.

Senate Chamber, Helena, Montana, January 19, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 73, by McCarthy: A Bill for an Act entitled, "An Act providing for the appointment of an Assistant State Treasurer, Deputy State Treasurer, and Stenographer, prescribing their duties, and fixing their compensation." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 74, by George: A Bill for an Act entitled, "An Act relating to Banks and Banking, and Trust Deposits, and Security Companies, and creating a Depositor's Guaranty Fund." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 75, by Duncan: A Bill for an Act entitled, "An Act amending Section 6356 of the Revised Codes of 1907, relating to the manner of summoning jurors in District Courts." Referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of the State.

READING OF SENATE BILLS.

Senate Bill No. 3, introduced by Meyer, a Bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgment in Criminal Causes," read first and second times by title only, and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Hayes from the Committee on Rules, Joint Rules and Order of Business, reported as follows:

Mr. Speaker:

Your Committee on Rules beg leave to report having met with the Committee on Rules of the Senate, and said Senate Committee refuses to accept the amendment to Joint Rule 23, adopted by the House, all of said Joint Rules having been already adopted by the Senate.

Your Committee, thefore recommends that the House recede from said amendment.

Report adopted.

On motion of Hayes, all the joint rules which were adopted section by section, were adopted in their entirety.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICES OF BILLS.

By Tolman: A Bill for an Act entitled, "An Act providing that a recorded mark or brand upon an animal shall be prima facie evidence of the ownership of such animal."

By Donohue: A Bill for an Act entitled, "An Act to prohibit persons or corporations engaged in the manufacture of malt beverages, and persons engaged in the sale of malt, spirituous or vinous liquors, from engaging in, or assisting others to engage in the business of selling malt, spirituous or vinous liquors at retail, and providing a penalty therefor."

By Woody: A Bill for an Act entitled, "An Act appropriating money for the construction, completion and furnishing of a men's dormitory for the University of Montana, at Missoula, Montana.

By Woody: A Bill for an Act entitled, "An Act appropriating money for the erection and completion of engineering shops and laboratories for the University of Montana, at Missoula, Montana."

By Woody: A Bill for an Act entitled, "An Act appropriating money for the purpose of acquiring additional land for the campus of the State University at Missoula, Montana."

By Woody: A Bill for an Act entitled, "An Act appropriating money for the establishment and maintenance of Extension Lecture Courses and Correspondence Courses by the University of the State of Montana."

By Woody: A Bill for the establishment and maintenance of a Summer School at the University of the State of Montana, and appropriating money therefor."

By Woody: A Bill appropriating money for the construction of Sewers, Fences and Cement walks at the University of the State of Montana.

By Woody: A Bill for an Act appropriating money for the construction and completion of a Laboratory Building for the Biological Station of the State University on Flathead Lake.

By Berry: A Bill for an Act entitled, "An Act to amend Section 7724 of the Revised Codes of 1907 of the State of Montana, relating to an Inheritance Tax on Direct and Collateral Inheritance, Bequests and Devises, and to provide for its collection and direct the disposition of its proceeds."

By Jordan: A Bill for an Act entitled, "An Act requiring any person, railway corporation, or company operating a line of railway in the State of Montana, to equip its locomotive engines with some device or contrivance to effectually guard against the emission of fire and sparks, and providing a penalty for the violation of this Act."

By Story: A Bill for an Act entitled, "An Act to secure for threshermen a lien upon grain and other crops threshed by them, and to pro-

vide for the filing and foreclosing of the same in like manner as other mechanics' liens are now filed and foreclosed."

No objection being offered, Mr. Speaker reverted back to the third order of business.

REPORTS OF SELECT COMMITTEES.

Mr. Speaker:

Your Committee which was appointed to draft Resolutions pertaining to the death of the Honorable W. W. D. Terrett, a member of the House from Custer County, Montana, beg leave to submit the following Resolutions:

Respectfuliy submitted,

GEO. W. BURT.

RESOLUTIONS.

Be it Resolved, by the House of Representatives of the Twelfth Legislative Assembly of the State of Montana, that

Whereas, Intelligence has reached us of the death of one of our honored members, to-wit: the Honorable W. W. D. Terrett of Custer County, Montana; and,

Whereas, By reason of illness this honored member was unable to attend any of our deliberations, which prevented many of us from becoming personally acquainted with him; and

Whereas, It was the pleasure of an All-wise Providence to remove him from among us before the prime of life had been reached when the full possiblities of a useful business career were yet unrealized and many of the hopes and ambitions of youth unattained; and

Whereas, The late Honorable W. W. D. Terrett was a business man of sterling worth and ability and of unquestioned integrity and keenly alive to the business problems confronting our great State, and whereas, he was honored and respected by all who knew him in his home community and over the State generally;

Now, therefore, Be it Resolved, That in the death of the said Honorable W. W. D. Terrett, the State of Montana and our Honorable Body has suffered the loss of one of its most loyal, energetic and honored members, and that the community in which the said deceased lived lost a kind and courteous neighbor and friend; and,

Be It Further Resolved, That we hereby express our heartfelt sympathy to his bereaved family, and that these Resolutions be spread upon the Journal of the House, and an engrossed copy be forwarded to his family.

Respectfully submitted,

GEO. W. BURT,
DAN J. DONOHUE,
W. J. PAUL.

On motion of Burt, the report was unanimously adopted by a rising vote.

Burt moved the following:

Mr. Speaker:

I move you as a mark of respect to the late Representative W. W. D. Terrett that his desk be draped in mourning for one week.

Motion unanimously adopted.

There being no objection, Mr. Speaker reverted back to the fifth order of business.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Tolman, H. B. No. 151: A Bill for an Act to amend Sections 476 and 480 of the Revised Codes of the State of Montana, relating to Registration.

By Roberts, H. B. No. 152: A Bill for an Act entitled, "An Act to regulate the Itinerant Vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity, and to provide for the licensing of vendors of the same."

By Eliel, H. B. No. 153: A Bill for an Act to amend Section 3245 Revised Codes of 1907, relating to Salary of Chief of Police.

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 151, read first and second times by title only, and referred to Committee on Privileges and Election.

H. B. No. 152, read first and second times by title only and referred to Committee on Sanitary Affairs.

H. B. No. 153, read first and second times by title only, and referred to Committee on Affairs of Cities.

On motion of Hayes the House resolved itself into a Committee of the Whole for consideration of General Orders.

GENERAL ORDERS.

Tolman in the chair.

House resumed.

Mr. Speaker in the chair.

Tolman from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Joint Memorial No. 1 beg leave to report as follows:

Having had same under consideration report same back to the House with the recommendation that same be concurred in.

Also

Having had under consideration Senate Joint Memorial No. 2 report same back to the House with the recommendation that same be concurred in as amended by the Senate.

Also

Having had under consideration House Bill No. 6, report same back to the House with the recommendation that same do pass.

Also

Having had under consideration Substitute House Bill No. 11, re-

port same back to the House with the recommendation that it do pass as amended.

Also

Having had under consideration House Bill No. 40, report same back to the House with the recommendation that it do pass.

Also

Having had under consideration House Bill No. 41, report same back to the House with the recommendation that the bill be referred to the Committee on Live Stock and Public Ranges.

Also

Having had under consideration House Bill No. 24, report same back to the House with the recommendation that it do pass.

Also

Having had under consideration House Bill No. 76, report same back to the House with the recommendation that it do pass.

Tolman moved the adoption of the report of the Committee of the Whole.

Blake moved as an amendment that the report of the Committee of the Whole be adopted, except the report as to House Bill No. 76, which be re-referred to General Orders.

On the request of McNally and Eliel, roll call was read on said amendment and same carried by the following vote:

Ayes—Bernard, Binnard, Blake, Brady, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Jacobson, Kammerer, Kirschwing, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Schwartz, Stevens, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—48.

Noes—Alley, Asbridge, Bell, Burt, Byrnes, Hewett, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, Lissner, McMurry, Murray, Nolan, Reser, Sarter, Slayton, Story and Woody—20.

Absent and not voting—Baker, Berry, Blackburn, English, Nelson—5.

On motion of Wheeler of Silver Bow, the House adjourned at 5 o'clock P. M. to meet tomorrow at 10:00 A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Nineteenth Day.

Friday, January 20, 1911.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Reel, the Journal of the Eighteenth day as read was approved.

NOTICES OF BILLS.

By McNally: A Bill for an Act entitled, "An Act to provide and fix the salary and compensation of Under Sheriffs in Counties of the First Class."

By Grubb: A Bil for an Act entitled, "An Act to amend Section 875 of the Revised Codes of Montana, relating to the powers and duties of School Boards."

By Grubb: A Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of Montana, relating to the regular meetings of the Board of Copnty Commissioners."

REPORTS OF STANDING COMMITTEES.

Tuttle from the Committee on State Board and Officers reported as follows:

Mr. Speaker:

Your Committee on State Bords and Officers to whom was referred House Bill No. 131, entitled, "A Bill for an Act entitled, 'An Act to amend Sections 1218 and 1227 of the Revised Codes of Montana, 1907, and to fix the salaries of the Librarians of the Law Department and of the Historical and Miscellaneous Department of the State Library, and the salaries of Assistant Librarians and to provide for additional Assistants, beg leave to report that after having had the same under consideration, recommend that it be referred to the Joint Committee appointed for the purpose of raising the salaries of State Officers.

Report adopted.

Also

Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 119, entitled, a Bill for an Act entitled, "An Act to amend Chapter 86, Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of the State Institutions, defining his duties and fixing his salary," beg leave to report that after having had the same under consideration recommend that it be referred to the Joint Committee appointed for the purpose of raising the salaries of State Officers.

Report adopted.

Also

Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game having had under consideration House Bill No. 88, introduced by Binnard, entitled a Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game fund for the maintenance, operation and betterment of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also

Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 68, introduced by Duffy of Granite, being a bill for an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint a Chief Deputy and defining his powers and duties and amending Section 1968, Revised Codes of 1907, relating to the compensation of Deputy State Game and Fish Wardens," after having said bill under consideration hereby report same back to the House with the recommendation that it do pass after being amended as follows:

Amend Title by inserting after the word "Codes" in line three of original Bill the words "of the State of Montana;" and also in Section 3 of original Bill, line 1, after the word "Codes" insert the words "of the State of Montana."

Report adopted.

Also

Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 50, introduced by Vaughan, a Bill for an Act entitled, "An Act to forbid fishing at or within certain distances of dams, fish ladders or Spawning Stations, and fixing the punishment for so doing," having had said bill under consideration beg leave to report same back to the House with the recommendation that it do pass after being amended as follows:

Amend Section 1, in line 2, by striking out the words, "a quarter of a mile" and insert in lieu thereof the words, "five hundred feet;" also by striking out in Section 1 in line 11, the word "or," after the word "trout" insert "comma," and add after the word trout, "or white fish."

Report adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 135, introduced by Hewett, the same being a bill for an Act to appropriate money for erecting and furnishing additional buildings for the feeble-minded at the school for the Deaf and Blind at Boulder, Montana, respectfully recommend that it do pass.

Report adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds having had under consideration House Bill No. 133 introduced by Tuttle, the same being a bill for an Act to appropriate money for certain repairs and improvements at the Montana School for the Deaf and Blind at Boulder, Montana, respectfully recommend that it do pass.

Report adopted.

Also

Johnson of Ravalli, from the Committee on Agriculture, reported as follows:

Mr. Speaker:

We, your Committee on Agriculture to whom was referred House Bill No. 98 introduced by Kirschwing, a bill for an Act entitled, "An Act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein," beg leave to report as follows:

Your Committee requested the Attorney General to furnish your Committee with an opinion as to the constitutionality of the proposed law. The Attorney General in accordance with the request, delivered to us a written opinion, from which it appears that if the Bill became a law, it would undoubtedly be unconstitutional. Which opinion your Committee transmits to the House herewith.

We therefore recommend that said bill be indefinitely postponed.

Report adopted.

Also

Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 95, being a bill for an Act entitled, "An Act defining the liability of persons or corporations operating any railroad in this State for injuries received by employees thereof, or in consequence of the death of any such employee, by reason of negligenc, and to declare void contracts restricting such liability," report the same to the House with the recommendation that the same do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 107, being a bill for an Act entitled, "An Act relating to the liability of employers for injuries to their employees," report the same to the House with the recommendation that the same do pass.

Report adopted.

Also

Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We, your Committee in Privileges and Election to whom was referred the matter of the contested seat of Mr. Harry R. Stevens, beg leave to recommend that the proceedings be dismissed and he be declared a member of the Twelfth Legislative Assembly of the State of Montana.

Report adopted.

Also

Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We, your Committee on Privileges and Election to whom was referred the matter of the contested seat of Mr. P. N. Bernard, beg leave to recommend that the proceedings be dismissed and he be declared a member of the Twelfth Legislative Assembly of the State of Montana.

Report adopted.

Hon. P. N. Bernard and Hon. H. R. Stevens at this time expressed their thanks to the House for being seated.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Blake, H. B. No. 154: A Bill for an Act to provide for the organization and government of cities of more than five thousand population, under a commission form of government, and the adoption thereof by special election; and repealing all Acts and Laws inconsistent or in conflict with this Act, in so far as the same relate to cities which adopt the provisions of this Act, as herein provided.

By Blackburn, H. B. No. 155: A Bill for an Act entitled, "An Act prohibiting the use of a false name, defining evidence constituting prima facie evidence of the same, and providing punishment for the violation of this Act."

By Tolman, H. B. No. 156: A Bill for an Act entitled, "An Act providing that a recorded mark or brand upon an animal shall be prima facie evidence of the ownership of such animal."

By Brady, H. B. No. 157: A Bill for an Act entitled, "An Act providing for the substitution and exchange of water for irrigation, by appropriators and users of water from the same source or stream"

By Vaughan, H. B. No. 158: A Bill for "An Act to provide for an Exhibit of the products of the State of Montana, at the International Exposition to be held in 1915 in celebration of the opening of the Panama Canal; to provide a Commission to have charge of the collection and display of the Montana Exhibit, and to appropriate money to pay the expenses thereof."

By Donohue, H. B. No. 159: A Bill for an Act entitled, "An Act to prohibit persons or corporations engaged in the manufacture of malt beverages, and persons engaged in the sale of malt, spirituous or vinous liquors, from engaging in, or assisting other to engage in the business of selling malt, spirituous or vinous liquors at retail, and providing penalties therefor."

By Berry, H. B. No. 160: A Bill for an Act entitled, "An Act to amend Section 7724 of the Revised Codes of 1907 of the State of Montana, relating to an Inheritance Tax on Direct and Collateral Inheritance, Bequests and Devises, and to provide for its collection and direct the disposition of its proceeds."

By Berry, H. B. No. 161: A Bill for an Act entitled, "An Act providing for the admission in evidence of confessions of the accused in criminal cases."

By Jordan, H. B. No. 162: A Bill for an Act entited, "An Act requiring any person, railway corporation, or company operating a line of Railway in the State of Montana to equip its locomotive Engines with some device or contrivance to effectually guard against the emission of fire sparks, and providing a penalty for the violation of the Act."

By Eliel, H. B. No. 163: A Bill for an Act entitled, "An Act to punish the giving of checks or drafts on any Bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same."

By O'Flynn, H. B. No. 164: A Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of attachment."

By Owenhouse, H. B. No. 165: A Bill for an Act appropriating money for the erection and furnishing of an engineerig building at the Montana Agricultural College at Bozeman, Montana."

By Nolan, H. B. No. 166: A Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Live Stock Sanitary Board during January and February, 1911."

By Word, H. B. No. 167: A Bill for an Act entitled, "An Act authorizing the Montana Children's Home Society to take from the Orphans' Home at Twin Bridges dependent children and place them in carefully selected homes for adoption and to provide compensation for the placing and caring for them."

By Holter, H. B. No. 168: A Bill for an Act entitled, "An Act to authorize Trustees in School Districts of the First Class to acquire, by purchase, public play grounds, and to provide for the levy of taxes to pay for the same.

By Story, H. B. No. 169: A Bill for an Act entitled, "An Act to provide that aliens shall pay a gun license, and providing a penalty for failure to obtain a license; to provide for and regulate the duties of the Game and Fish Warden and his Deputies."

By Grubb, H. B. No. 170: A Bill for an Act entitled, "An Act to amend Section 6658 of the Revised Codes of Montana, relating to attachments."

By Grubb, H. B. No. 171: A Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana, relating to conditional sale and the filing of Contract Notes."

By Nolan, H. B. No. 172: A Bill for an Act entitled, "An Act to amend Section 6788 of the Revised Codes of Montana of 1907, relating to exceptions not presented for settlement at the time of ruling."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 154, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 155, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 156, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 157, read first and second times by title only, and refered to Committee on Irrigation and Water Rights.

H. B. No. 158, read first and second times at length and referred to Committe on Fairs and Expositions.

H. B. No. 159, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 160, read first and second times by title only, and refered to Committee on Judiciary.

H. B. No. 161, read first and second times by title only, and refered to Committee on Judiciary.

H. B. No. 162, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 163, read first and second times by title only, and refered to Committee on Banks and Banking.

H. B. No. 164, read first and second times by title only, and refered to Committee on Judiciary.

H. B. No. 165, read first and second times at length, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 166, read first and second times at length and referred to Committee on Live Stock and Public Ranges.

H. B. No. 167, read first and second times at length and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 168, read first and second times by title only, and referred to Committee on Educaion.

H. B. No. 169, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 170, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 171, read first and second times by title only, and refered to Committee on Judiciary.

H. B. No. 172, read first and second times by title only, and referred to Committee on Judiciary.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 71 and 65, beg leave to report same back to the House as correctly printed.

THIRD READING OF SENATE BILLS.

Senate Joint Memorial No. 1, having been read three several times was concurred in by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—65.

Noes—Duffy of Granite and Herbold—2.

Absent and not voting—Alley, Berry, Donohue, Duffy of Silver Bow, Slayton and Stevens—6.

Title agreed to.

Senate Joint Memorial No. 2 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—70.

Noes—None.

Absent and not voting—Gillis, Herbold and Woody—3.

Title agreed to.

The hour of 11:50 A. M. having arrived, the Chief Clerk called the roll of the House and all members were found present.

Mr. Speaker at this time announced that he was about to sign Senate Bill No. 15 relating to State Boiler Inspectors and signed same

in the presence of the House.

The Chief Clerk read the following:

The undersigned hereby agree to pair on vote for United States Senator and all other political issues which may come before the House of Representatives or Joint Assembly on January 21st and January 23rd.

M. L. HEWETT,
OWEN BYRNES.

Also

To the President and Members of the Joint Assembly:

It is hereby agreed betwen the parties hereto that they are paired on thir votes for United States Senator from and including Saturday, January 21st to and including Monday, January 23rd, 1911.

G. B. ENGLISH,
JAMES LISSNER.

Mr. Speaker ordered the Clerk to file the pairs.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found to be present.

All the members of the House were found present.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The following were read by the Chief Clerk:

The undersigned hereby agree to pair on vote for United States Senator and all other political issues which may come before the House of Representatives or Joint Assembly, on January 21st and January 23rd.

M. L. HEWETT,
OWEN BYRNES.

Also

To the President and Members of the Joint Assembly:

It is hereby agreed between the parties hereto that they are paired on their votes for United States Senator from and including Saturday, January 21st to and including Monday, January 23rd, 1911.

G. B. ENGLISH,
JAMES LISSNER.

By direction of Mr. President these communications relating to pairs were placed on file.

The President ordered the Secretary to call the roll of the Senate with the following resutl:

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly, Stout and Whiteside—9.

For W. G. Conrad—Cockrell and Gallway—2.

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For C. N. Pray—Burlingame and Everett—2.

For W. R. Allen—Christopher and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Ebert, Johnson of Ravalli, Johnson of Lewis and Clerk, Kammerer, Kirschwing, Law, Macdonald, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Whaley, Wheeler of Silver Bow, Woody and Word—26.

For W. G. Conrad—Alley, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Lissner, O'Flynn, Tuttle, Wheeler of Cascade and Mr. Speaker—13.

For T. H. Carter—Bernard, Blake, Burt, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Nelson, Roberts, Sarter and Story—16.

For T. C. Marshall—Bell, Eliel, Higgins, Jordan, Murray, Stevens and Vaughan—7.

For John Hayes—McNally—1.

For Jerry Connelly—Moore of Silver Bow—1.

For W. R. Allen—Paul, Ralston, Rodgers and Swick—4.

For C. N. Pray—Reser—1.

For D. S. McKenzie—Schwartz—1.

For Edwin L. Norris—Slayton—1.

For W. F. Meyer—Tolman—1.

For H. J. Vaughan—Williams—1.

Total—73.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	35
For T. H. Carter	26
For W. G. Conrad	15
For C. N. Pray	3
For W. R. Allen	6
For T. C. Marshall	7
For T. M. Swindlehurst	1
For Wm. Lindsay	1

For Carl Rasch 1
For John Hayes 1
For Jerry Connelly 1
For D. S. McKenzie 1
For Edwin L. Norris 1
For W. F. Meyer 1
For H. J. Vaughan 1

Grand Total 101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Baker the House took a recess at 12:30 o'clock P. M. to 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate.

Senate Chamber, Helena, Montana, January 20, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honoroable Body that Senate Joint Memorial No. 5, having been read three several times and passed, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

Senate Joint Memorial No. 5 was read first and second times by title only, and referred to Committee on Fairs and Expostions.

On request of Law, the Committee on Fairs and Expositions was excused to consider Senate Joint Memorial No. 5.

On motion of Dobell, Substitute House Bill No. 39 was deferred and made a Special Order of Business for Monday, January 23rd, at 2:30 o'clock P. M., on account of the author of the bill being unable to be present this afternoon.

Mr. Speaker announced that he had added the following names to the Standing Committees:

Owenhouse to Committee on Highways.

Vaughan to Committee on Fish and Game.

THIRD READING OF HOUSE BILLS.

House Bill No. 44, by Bell: A Bill for an Act to amend Section

7121 of the Revised Codes of Montana, providing for appeals from Justice or Police Court, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Macdonald, McMurry, McNally, Martin, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Word and Mr. Speaker—53.

Noes—None.

Absent and not voting—Baker, Bernard, Berry, Binnard, Crouch, Donohue, Duffy of Silver Bow, English, Gillis, Holter, Law, Lissner, McQuitty, Moore of Silver Bow, Moore of Valley, Schwartz, Slayton, Wheeler of Silver Bow, Williams and Woody—20.

Title agreed to.

House Bill No. 27, by Macdonald: A Bill for an Act entitled, "An Act to regulate the dispensing, sale and giving away of opium, morphine, alkaloid, cocaine, or Alpha or beta eucaine, or any derivative, mixture or preparation of any of them, the prescribing of the same by licensed physicians, providing penalty for the violation thereof, and repealing all Acts and parts of Acts in conflict herewith," having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Ralston, Reel Reser, Roberts, Sarter, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—64.

Noes—None.

Absent and not voting—Asbridge, Baker, Bernard, Berry, English, McQuitty, Paul, Rodgers and Schwartz—9.

Macdonald moved that the title to H. B. No. 27 be amended by inserting after the word "physicians," the words "and veterinarians."

Motion prevailed.

Title agreed to as amended.

House Bill No. 32, by Bell: A Bill for an Act making an appropriation for expenses of the Farmers' Institutes for the months of January and February, 1911, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hickey, Higgins,

Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—62.

Noes—None.

Absent and not voting—Baker, Bernard, Berry, English, Gillis, Hewett, McQuitty, O'Hern, Schwartz, Stevens and Williams—11.

Title agreed to.

House Bill No. 8, by McMurry: A Bill for an Act entitled, "An Act appropriating money for the eradication of orchard pests and diseases of orchards in the State of Montana," having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—63.

Noes—None.

Absent and not voting—Baker, Bernard, English, Gillis, Hewett, Higgins, McQuitty, O'Hern, Schwartz and Stevens—10.

Title agreed to.

House Bill No. 56, introduced by Bell: A Bill for an Act specifying and providing how school district warrants shall be executed and signed, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—62.

Noes—None.

Absent and not voting—Baker, Bernard, English, Gillis, Hewett, Lissner, McQuitty, O'Hern, Schwartz, Stevens and Tolman—11.

Title agreed to.

House Bill No. 51, by Martin: A Bill for an Act entitled, "An Act

to amend Section 8312 of the Revised Codes in relation to assault in the first degree, and to define and punish such assault," having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Hickey, Higgins, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan O'Flynn, O'Hern, Owenhouse, Paul, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—58.

Noes—None.

Absent and not voting—Alley, Baker, Bernard, English, Hayes, Herbold, Hewett, Holt, Jacobson, Lissner, McQuitty, Ralston, Schwartz, Stevens, Tolman—15.

Title agreed to.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICES OF BILLS.

By O'Hern: A Bill for an Act entitled, "An Act to amend Chapter 70 of the Laws of Montana, of 1909, relating to the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry, by adding thereto a Section to be numbered Section 12, relating to the collection and exhibtion of agricultural, mineral and other exhibits."

By O'Hern: A Bill for an Act entitled, "An Act to appropriate money for the payment of the expenses incurred, by the Commissioner of the Bureau of Agriculture, Labor and Industry in complying with the provisions of Chapter 70 of the laws of Montana of 1909, and Acts amendatory thereof."

By O'Flynn: A Bill to repeal Section 9371 Revised Codes of Montana, 1907.

By Vaughan: A Bill for an Act entitled, "An Act to permit the sale within the State, of Game and Fish taken in any foreign State or country."

By Crouch: A Bill to amend the Fish and Game Laws of the State, that the women of the state, children under fifteen years of age, and men over sixty years of age of the state, shall fish free with hook and line in any or all of the streams of the state."

By Paul: A Bill for an Act entitled, "An Act creating the Eastern, Central and Western Judicial Districts of the State of Montana, and designating their boundaries, and providing for the appointment and election of a District Judge in each of said Districts, and fixing the compensation of such Judges, and prescribing their duties, and provding for the payment of expenses incurred in carrying out the provisions of this Act."

By Wheeler of Silver Bow: A Bill entitled, "An Act providing for the care and maintenance of such indigent orphan children, waifs

or foundlings as to whom proper provision is not made at the State Orphans' Home."

By Kammerer: A Bill for an Act entitled, "An Act appropriating money for the maintenance of the State Orphans' Home at Twin Bridges, Montana, for the Years 1911 and 1912, and for the erection of permanent improvements at said institution."

By Word: A Bill for an Act entitled, "An Act to validate filings heretofore made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks, of copies of Articles of Incorporation or of the charters or statutes under which such corporations were formed, when such copies are true and correct copies, but the same were not duly certified as such by the official custodian thereof in the Territory or State of Montana, or in any other State or Territory and providing for a second filing of such articles, charters, or statutes, and the fees to be paid therefor."

By Byrnes: A Bill for an Act entitled, "An Act to amend Section 4311 of the Revised Codes 1907, relating to the liability of Railroads for killing live stock and prescribing the manner of giving notice thereof."

By Tolman: A Bill for an Act entitled, "An Act to regulate the sale of illuminating oils, coal oil and gasoline and provide a penalty for the violation of the provisions of said Act."

By Tolman: A Bill for an Act entitled, "An Act defining the duties of physicians practicing medicine in the State of Montana, prescribing their compensation and penalties for failure in the discharge of duty."

No objection being offered, Mr. Speaker reverted back to the sixth order of business.

MOTIONS AND RESOLUTIONS.

O'Flynn moved that the chairman of the different Committees meet after adjournment to determine a method of holding meetings of respective committees so as to avoid conflict in the meeting of the several committees.

Motion prevailed.

REPORT OF STANDING COMMITTEES.

Law from the Committee on Fairs and Expositions reported as follows:

Mr. Speaker:

Your Committee on Fairs and Expositions to whom was referred Senate Joint Memorial No. 5, introduced by Gallway, relative to the designation of a city for holding the Panama International Exposition, having had said Memorial under consideration, do recommend that the House concur therein.

Report adopted.

On motion of Kirschwing the rules were suspended and Senate Joint Memorial No. 5 was considered engrossed and placed on its final passage.

THIRD READING OF SENATE JOINT MEMORIALS.

Senate Joint Memorial No. 5, introduced by Gallway, recommending that the Panama Exposition be held in San Francisco, having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tuttle, Vaughan, Whaley of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—62.

Noes—Paul, Tolman and Williams—3.

Absent and not voting—Baker, Bernard, Berry, English, Hewett, Kammerer, McQuitty and Stevens—8.

No objection being offered, Mr. Speaker reverted back to the fifth order of business.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Kirschwing, H. B. No. 173: A Bill for an Act appropriating money to defray the expenses of establishing and maintaining an exhibit of the products of the State of Montana at the Panama-Pacific International Exposition to be held in the City of San Francsico, California, in 1915, and providing for the appointment of a Commission to prepare and manage said Exhibit.

By Wheeler of Silver Bow, H. B. No. 174: A Bill for an Act entitled, "An Act to regulate the discharge or firing of fireworks and other pyrotechnics."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 173, read first and second times at length and referred to Committee on Fairs and Expositions.

H. B. No. 174, read first and second times by title only, and referred to Committee on Military Affairs.

Blackburn from the Committee on Appropriations reported as follows.

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 133, a bill for an Act entitled, "An Act to appropriate money for certain repairs and improvements on the Montana School for the Deaf and Blind at Boulder, Montana," beg leave to report, having had the same under consideration and recommend that the same do pass with the following amendment; that the title of said bill be changed to read as follows:

"A Bill for an Act entitled, 'A Bill to appropriate money for certain

repairs, betterment, improvements and equipment for the Montana School for the Deaf and Blind at Boulder, Montana.'"

Report adopted.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 20, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of introduction of Bills were this day given:

By Donlan: A Bill for an Act entitled, "An Act to establish a system of examination for master and journeymen plumbers; fixing the fees to be charged for licenses and the disposition of the fund thus created and provide penalties for the violation of the provisions of this Act."

By Gallway: A Bill providing for a Juvenile Court Procedure, providing for the appointment of probation officers, outlining their duties and specifying their compensation; providing a lawful method of procedure aganst Juvenile delinquents, their parents and guardians, specifying places for their temporary and permanent detention, and the compensation of their care; providing for time and place of trial; repealing certain acts therein named and declaring an emergency.

Respectfully,

NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, January 20, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bill was this day introduced, read first and second times and referred:

Senate Bill No. 76, by McDonnell: A Bill for an Act entitled, "An Act to provide separate ballots for the election of members of the Supreme Court and Judges of the District Courts of the State of Montana." Referred to Committee on Elections and Privileges.

Respectfully,

NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, January 20, 1911.

Mr. Speaker:

I am directed by the Senate, to inform your Honorable Body that Senate Bills No. 34, 21, 27, 44 and 46 having been read three several times and passed, are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, January 20, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Report of the Committee on Election and Privileges to whom was

referred the Contest Cases to seats in this Body, having had same under consideration, reported as follows: The the Contestees', A. R. Dearborn of Granite, M. M. Duncan of Madison, Harry Gallway of Silver Bow, and J. M. Burlingame of Cascade, are entitled to seats of this Body.

(Signed:) SURVANT, Chairman.

And the above report is herewith transmitted for your information.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

Senate Bill No. 34, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

Senate Bill No. 21, read first and second times by title only, and referred to Committee on Judiciary.

Senate Bill No. 27, read first and second times by title only, and referred to Commitee on Judiciary.

Senate Bill No. 44, read first and second times by title only, and referred to Committee on Insurance.

Senate Bill No. 46, read first and second times by title only, and referred to Committee on Federal Relations.

On request of Kammerer, the Committee on Banks and Banking was excused from the House.

On motion of Hayes, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Whaley in the chair.

House resumed.

Mr. Speaker in the chair.

Whaley from the Committee of the Whole reported as follows:

Your Committee of the Whole to whom was referred House Bill No. 76, beg leave to report as follows:

Having had same under consideration, report same back to the House with the recommendation that the Enacting Clause be stricken out.

Report adopted.

On motion of Nolan, the Sergeant at Arms was instructed to see that the building was properly lighted at night.

Baker moved that when the House adjourn on Saturday, January 21st, that adjournment on that day be taken at 12:30 P. M. until 11:00 A. M. Monday, January 23rd.

Motion prevailed.

On motion of Donohue, the House adjourned at 4:40 o'clock P. M. to meet at 10:30 o'clock A. M. tomorrow.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Twentieth Day.

Saturday, January 21, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Berry, Byrnes, English, Grubb, Macdonald, Nelson, Roberts and Woody, who were excused.

On motion of Reel, the Journal of the Nineteenth day as read was approved.

NOTICES OF BILLS.

By Story:—A Bill for an Act entitled, "An Act to pay a bounty of Twenty-five ($25.00) Dollars on each Mountain Lion killed in Montana, and providing that the same shall be paid from the Fish and Game Fund."

By Story:—A Bill for an Act entitled, "An Act to prevent the hunting of game animals or birds between sunset of one day and sunrise of the next day, and to provide for the punishment of those who violate the provisions of said Act, and to provide for the disposition of the fines so collected."

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 34, beg leave to report same back to the House as correctly printed.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 3, being a bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes," report the same to the House with the recommendation that it be not concurred in.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having under consideration House Bill No. 47, being a bill for an act entitled, "An Act to amend Section 6385 of the Revised Codes of Montana, relating to the right to practice law in the courts of this State." report the same back to the House and move that the same be amended by inserting in Section 1, line 3, the word and figures "Section 6385" so that said line will begin with said word and figures "Section 6385;" and amend Section 1 by striking out the words found in said Section after the word

"Country," line 16, down to and including the word "Jurisprudence" line 17; the words so to be stricken out being the following: "Where the Common Law of England constitutes the basis of Jurisprudence," and recommend that the said bill as amended, do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 21, being a bill for an act entitled, "An Act to amend Section 292 of the Revised Codes of Montana, 1907, relating to salaries of Judges of the District Court," report the same to the House with the recommendation that the same be concurred in.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary having had under consideration House Bill No. 155, being a bill for an Act entitled, "An Act prohibiting the use of a false name, defining evidence constituting prima facie evidence of the same, and providing punishment for the violation of this Act," report the same back to the House with the recommendation that the same do not pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 10, being a bill for an act entitled, "An Act to provide for and regulate the manner and method of taxing Mortgages, report the same to the House with the recommendation that the same be concurred in.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having under consideration House Bill No. 110, being a bill for an act entitled, "An Act fixing and allowing to Executors and Administrators the amount they shall be allowed for Attorney's fees," report the same back to the House with the recommendation that the same do not pass.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having under consideration House Bill No. 171, being a bill for an act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana relating to conditional sale and the filing of contract notes," report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bills Nos. 24, 40 and 6, House Substitute Bill No. 11, and House Joint Resolution No. 2 correctly engrossed.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 97, being a bill for an "Act to amend Section 1736 of the Revised Codes of 1907, relating to hours of labor," report the same to the House with the recommendation that the same do pass.

Report adopted.

Tolman moved that Senate Bill No. 3, be placed on General Orders.

On motion of Donohue this motion was laid on the table.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By O'Hern, H. B. No. 175: A Bill for an Act entitled, "An Act to amend Chapter 70, of the Laws of Montana, of 1909, relating to the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry, by adding thereto a Section, to be numbered Section 12, relating to the collection and exhibition of agricultural, mineral and other exhibits."

By O'Hern, H. B. No. 176: A Bill for an Act entitled, "An Act to appropriate money for the payment of the expenses incurred by the Commissioner of the Bureau of Agriculture, Labor and Industry, in complying with the provisions of Chapter 70 of the Laws of Montana, 1909, and acts amendatory thereof."

By B. K. Wheeler of Silver Bow, H. B. No. 177: A Bill for an Act entitled, "An Act providing for the care and maintenance of such indigent orphan children, waifs, or foundlings as to whom proper provision is not made at the State Orphans' Home."

By Blackburn, H. B. No. 178: An Act entitled, "An Act to amend Section 1587 of the Revised Codes of the State of Montana, relating to the practice of medicine."

By Story, H. B. No. 179: A Bill for an Act entitled, "An Act to secure for threshermen a lien upon grain and other crops threshed by

them, and to provide for the filing and foreclosing of the same in like manner as other mechanic liens are now filed and foreclosed.'

By Vaughan, H. B. No. 180: A Bill for an Act entitled, "An Act to amedn Section I, and Section II, of Chapter 90 of the Eleventh legular Session of the Legislative Assembly of the State of Montana, relating to Licenses."

By McNally, H. B. No. 181: A Bill for an Act entitled, "An Act to provide and fix the salary and compensation of Under Sheriffs in Counties of the First Class."

By Kammerer, H. B. No. 182: A Bill for an Act entitled, "An Act appropriating money for the maintenance of the State Orphans' Home, at Twin Bridges, Montana, for the years 1911 and 1912, and for the erection of permanent improvements at said Institution."

By Paul, H. B. No. 183: A Bill for an Act creating the Eastern, Central and Western Judicial Districts of the State of Montana, and designating their boundaries, and providing for the appointment and election of a District Judge in each of said Districts, and fixing the compensation of such Judges, and prescribing their duties, and providing for the payment of expenses incurred in carrying out the provisions of this Act."

By Tolman, H. B. No. 184: A Bill for an Act entitled, "An Act to regulate the sale of illuminating oil, coal oil, and gasoline, and providing a penalty for the violation of its provisions."

By Asbridge, H. B. No. 185: A Bill for an Act entitled, "An Act providing for compensation to the owners of glandered horses that may be destroyed according to law, and appropriating money therefor."

Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Joint Resolution No. 3, beg leave to report as follows: That same is properly enrolled.

Report adopted.

Mr. Speaker at this time announced that he was about to sign House Joint Resolution No. 3 relating to petition to Congress to grant land for a Tuberculosis Hospital, and signed same in the presence of the House.

Also

That he was about to sign Senate Joint Memorial No. 5 relating to Panama International Exposition and signed same in the presence of the House.

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 175, read first and second times by title only, and referred to Committee on Agriculture.

H. B. No. 176, read first and second times at length, and referred to Committee on Agriculture.

H. B. No. 177, read first and second times by title only, and referred to Committee on Internal Improvements.

H. B. No. 178, read first and second times by title only, and refered to Committee on Sanitary Affairs.

H. B. No. 179, read first and second times by title only, and referred to Committee on Agriculture.

H. B. No. 180, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 181, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 182, read first and second times at length, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 183, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 184, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 185, read first and second times at length, and referred to Committee on Live Stock and Public Ranges.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICES OF BILLS.

By Gillis: A Bill for an Act to amend Section 3397 of the Revised Codes of Montana relating to the creation of special improvement districts and the maintenance thereof.

By Gillis: A Bill for an Act to amend Section 3372 of the Revised Codes of Montana relating to public sewers.

By Gillis: A Bill for an Act granting to the City or Town Council of cities or towns of the State of Montana the power to cause the removal or destruction of any house, building or other structure which is insecure or is liable to cause injury to surrounding property by reason of fire, or which by reason of dilapidation is unsightly.

By Vaughan: A Bill for an Act entitled, "An Act to amend Section 907 of Article 7, of the Revised Codes of Montana of 1907, relating to corporal punishments in schools."

No objection being offered, Mr. Speaker reverted back to the fifth order of business.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Word, H. B. No. 186: A Bill for an Act entitled, "An Act to validate filings heretofore made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks, of copies of articles of incorporation or of charters or statutes under which such corporations were formed, when such copies are true and correct copies but the same were not duly certified as such by the official custodian thereof in the Territory or State of Montana, or in any other State or Territory, and providing for a second filing of such articles,charters , or statutes, and the fees to be paid therefor."

By Eliel, H. B. No. 187: A Bill for an Act entitled, "An Act making it the duty of every Board of County Commissioners, to sup-

ply each Justice of the Peace, within the County, with a copy of the Revised Codes of Montana, 1907; the Session Laws enacted by subsequent Legislative Assemblies and also a docket."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 186, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 187, read first and second times by title only, and referred to Committee on Judiciary.

No objection being offered, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having under consideration House Bill No. 12, entitled, "An Act to provide for the Designation of Temporary County Seats and for the location of permanent county seats in new Counties or in Counties in which the permanent County Seat has not been located," return the bill to the House with the recommendation that the same be amended as follows:

That in the enacting clause the words "It is" be stricken out and the words "Be it" inserted:

That on Page 2, line 11, after the word "Slips" insert the following: "Be enclosed in envelopes of the same size, color and texture."

That to Section 8, page 6, we add the following: 'Provided that any person, who from any cause, is unable to write he may have one of the judges in the presence of another judge, write his choice on the ballot."

That in Section 12, line 2, after the word "located," be added "by valid election held for the purpose of locatnig the permanent county seat of said county."

That on page 8, line 3, the word "fifty" be stricken out and the words "one hundred" be inserted.

That on page 8, line 7, add after the word "passage" the words "and approval," and we recommend that said bill as amended, do pass.

Report adopted.

The hour of 11:50 o'clock A. M. having arrived, the Chief Clerk called the roll and found all present except the following who were paired: Berry and Nelson, Byrnes and Hewett, English and Lissner, Grubb and Macdonald, Roberts and Law, Sarter and Asbridge, Woody and Story.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except those who were paired as per the following agreements:

To the President and Members of the Joint Assembly:

The undersigned, hereby agree to pair on vote for United States Senator in Joint Assembly from and including Saturday, January 21st, to and including Monday, January 23rd, 1911.

FRANK WOODY,
NELSON STORY, JR.

Also

We the undersigned hereby agree to pair on all votes for United States Senator which may be taken on Saturday, Monday and Tuesday, January 21st, 23rd and 24th, 1911.

A. D. MACDONALD,
G. H. GRUBB.

Also

We the undersigned hereby agree to pair on Saturday the 21st day of January, 1911, on vote for United States Senator in Congress.

B. B. LAW,
J. W. ROBERTS.

Also

It is hereby agreed by the parties hereto that they are paired on the question of United States Senator from and including Saturday, January 21st, to and including Monday, January 23rd, 1911.

W. W. BERRY,
F. E. NELSON.

Also

The undersigned hereby agree to pair on vote for United States Senator, and all other political issues which may come before the House of Representatives or the Joint Assembly, on Saturday, January 21st, and Monday January 23rd, 1911.

THEODORE SARTER,
JOSEPH L. ASBRIDGE.

Also

It is hereby agreed between the parties hereto that they are paired on their votes for United States Senator from and including Saturday January 21st to and including Monday, January 2rd, 1911.

G. B. ENGLISH,
JAMES LISSNER.

Also

The undersigned hereby agree to pair on vote for United States Senator and all other political issues which may come before the House of Representatives or Joint Assembly, on January 21st and January 23rd, 1911.

M. L. HEWETT,
OWEN BYRNES.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes

of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Stautes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly, Stout and Whiteside—9.

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Leighton, McDonnell, Selway and Tooley—8.

For W. G. Conrad—Cockrell and Gallway—2.

For C. N. Pray—Burlingame, Everett, Larson, Survant and Sykes—5.

For W. R. Allen—Christopher—1.

For T. M. Swindlehurst—Conrow—1.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Baker, Binnard, Brady, Crouch, Donohue, Ebert, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow and Word—21.

For W. G. Conrad—Alley, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, O'Flynn, Wheeler of Cascade and Mr. Speaker—11.

For T. H. Carter—Bernard, Blake, Burt, Gray, Holt, Holter, Moore of Valley, Paul, Rodgers—9.

For C. N. Pray—Bell, Jacobson, Jordan, Reser, Schwartz, Slayton, Swick and Williams—8.

For Chas. R. Leonard—Eliel and Stevens—2.

For George Metcalf—Hickey—1.

For H. C. Smith—Higgins—1.

For John Hayes—McNally and Vaughan—2.

For D. D. Sullivan—Moore of Siver Bow—1.

For George Woodworth—Murray—1.

For George B. Winston—Ralston—1.

For W. F. Meyer—Tolman—1.

Total—59.

The Secretry of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	30
For T. H. Carter	17
For W. G. Conrad	13
For C. N. Pray	13

For C. R. Leonard 2
For John Hayes 2
For W. R. Allen 1
For T. M. Swindlehurst 1
For Wm. Lindsay 1
For Carl Rasch 1
For George Metcalf 1
For H. C. Smith 1
For D. D. Sullivan 1
For Geo. Woodworth 1
For Geo. B. Winston 1
For W. F. Meyer 1

Total 87

Paired:

Berry and Nelson,
Byrnes and Hewett,
English and Lissner,
Grubb and Macdonald,
Roberts and Law,
Sarter and Asbridge,
Woody and Story, 14

Grand Total 101

The President thereupon announced no election and on motion of Senator McCarthy, the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Donohue, the House adjourned at 12:30 o'clock P. M. to meet Monday, January 23rd at 11:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Twenty-Second Day.

Monday, January 23, 1911.

House met pursuant to adjorunment at 11:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of McMurray, the Journal of the Twentieth Day as read was approved.

On motion of O'Flynn, the Insurance Committee was excused in order to take testimony of witnesses who were to appear before the

said committee and who were desirous of catching an early train.

NOTICES OF BILLS.

By Vaughan: A Bill for an Act entitled, "An Act to regulate the hours when saloons and retail liquor stores shall remain closed."

By Law: A Bill to appropriate money for the purpose of paying W. L. Faulkner, J. E. Cudney, John Stuckie, W. O. Bohart, F. N. Foerschler, W. J. Crittenden, E. H. Davison and J. E. Donahue the value of certain horses slaughtered by the State Deputy State Veterinary in the years 1908 and 1909.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 106, 132, 84, 133 and House Joint Memorial No. 1, beg leave to report same back to the House as correctly printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Vaughan, H. B. No. 188: A Bill for an Act entitled, "An Act to amend Section 907 of Article VII, of the Revised Codes of Montana of 1907, relating to corporal punishment in schools."

READING OF SENATE BILLS.

The following bills were taken from the file:

S. B. No. 32, read first and second times by title only, and referred to Committee on Military Affairs.

S. B. No. 52, read first and second times by title only, and referred to Committee on Development and Publicity.

S. J. Memorial No. 4, read first and second times by title only, and referred to Committee on Federal Relations.

Substitute S. B. No. 4, read first and second times by title only, and referred to Committee on New Counties and Divisions.

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 188, read first and second times by title only, and refered to Committee on Education.

MOTIONS AND RESOLUTIONS.

Woody moved that Senate Bill No. 10 be recommitted to the Committee on Ways and Means.

Motion prevailed.

Baker moved that Substitute H. B. No. 39, which has been made a special order for 2:30 P. M. today, be taken from special orders and referred to the Printing Committee.

Motion prevailed.

HOUSE JOINT MEMORIAL NO. 4.

To authorize the State Board of Examiners of Montana to purchase a suitable Bronze Memorial Tablet, and erect the same in a

suitable and proper place in the corridor of the State Capitol at Helena, in commemoration of the life and services of the late Governor Robert B. Smith.

SECOND READING OF HOUSE JOINT MEMORIALS.

H. J. Memorial No. 4, read first and second times at length, and referred to Committee on Waterways and Navigation.

MESSAGES FROM SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 21, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 32 and 52, Senate Joint Memorial No. 4, and Substitute for Senate Bill No. 4 have this day been read a third time and passed and are herewith transmitted to the House for Concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 21, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of Introduction of Bills were this day given:

By Duncan: A Bill for an Act entitled, "An Act to provide for procuring public records, the distribution of debts and assets, and pertaining to the collection of taxes on annexing territory to counties and municipalities detached from other counties and municipalities."

By Groff: A Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana, relating to gambling and providing punishment therefor."

By Muffly: A Bill for an Act for the submission to the qualified electors of the State of Montana, of an amendment to Section 5 of Article XVI, of the Constitution of the State of Montana, relating to elective officers of counties."

By Gallway: A Bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes of 1907, relating to the election of School Trustees and classification of School Districts."

By Whiteside: A Bill for an Act entitled, "An Act to regulate the clearing of streams for logging purposes."

By Dunnigan: A Bill for an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint additional deputies at certain times; providing for their compensation, and authorizing the State Game and Fish Warden to employ an additional Clerk, and fixing the salary thereof, and providing the manner in which the same shall be paid."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 21, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 77, By McCarthy: A Bill for an Act entitled, "An Act to create the county of Orchard, designate its boundaries, and provide for its organization and government." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 78, By Donlan: A Bill for an Act entitled, "An Act to establish a system of examination for Master and Journeymen Plumbers; fixing the fees to be charged for licenses, and the disposition of the fund thus created; and providing penalties for the violation of the provisions of this Act."

Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Joint Memorial No. 6, By Larson: A Petition to Congress to enact such legislation as will relieve the settlers under Irrigation projects in Montana, East of the main range of the Rocky Mountains. Referred to Committee on Federal Relations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 3 was introduced, read, and on motion adopted, and is herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the State.

READING OF SENATE JOINT RESOLUTIONS.

Senate Joint Resolution No. 3, having been read three several times, was concurred in by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Brady, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Hayes, Herbold, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Paul, Reel, Reser, Roberts, Rodgers, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—52.

Noes—None.

Absent and not voting—Alley, Berry, Blake, Burt, Byrnes, Crouch, Eliel, Grubb, Holter, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, Martin, O'Flynn, Owenhouse, Ralston, Sarter, Swick, and Wheeler of Cascade—21.

The following communication was received:

Helena Public Library,
Helena, Montana, January 19, 1911.

To the Speaker and Members of the House,
State Capitol Building,
Helena, Mont.

Gentlemen:

The Helena Public Library extends an invitation to the Speaker and Members of the House to avail themselves of the privileges of the library.

The members of the staff are always ready and willing to assist people in looking up material and to aid in reference work.

Our library contains over 45,000 volumes and represents all classes of literature, also Congressional Records and Reports of the Senate and House documents.

Very truly yours,
KATE BRYSON,
Acting Librarian.

On motion of O'Hern, a vote of thanks was extended to the Librarian for this courtesy.

Mr. Speaker at this time announced that he had added Reel to the Committee on Live Stock and Public Ranges.

At this time Mr. Speaker announced that he was about to sign Senate Joint Memorial No. 2, "A Petition to Congress to relieve settlers on the Lower Yellowstone Project in Montana and North Dakota," and signed same in the presence of the House.

Also

That he was about to sign Senate Joint Memorial No. 1, "For speedily opening up the Crow Reservation for settlement and all Indian Rights adjusted," and signed same in the presence of the House.

The hour of 11:50 o'clock A. M., having arrived, the Chief Clerk called the roll and found all present except Byrnes, Grubb, Lissner, Macdonald, and Sarter.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except those who were paired as follows: Macdonald-Grubb, Sarter-Asbridge, English-Lissner, and Hewett-Byrnes.

The following were read and placed on file:

We, the undersigned, hereby agree that the pair between the undersigned may be dissolved. (Signed) Woody and Story.

We, the undersigned, respectfully request that the pair between us on vote for U. S. Senator be dissolved. (Signed) Berry and Nelson.

Mr. President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes

of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—10.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly and Stout—8.

For W. G. Conrad—Cockrell and Gallwey—2.

For W. R. Allen—Burlingame—1.

For H. H. Parsons—Christopher—1.

For T. M. Swindlehurst—Conrow—1.

For H. C. Smith—Everett and Sykes—2.

For Wm. Lindsay—McCone—1.

For Carl Rasch—Meyer—1.

For R. Lee Word—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh: Baker, Berry, Binnard, Brady, Crouch, Donohue-Ebert, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, McMurry, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Whaley of Silver Bow, Woody, and Word—23.

For W. G. Conrad—Alley, Blackburn, Dobell, Duffy of Granite, Duny of Silver Bow, Gilns, Hayes, Herbold, O'Flynn, Wheeler of Cascade and Mr. Speaker—11.

For T. H. Carter—Bernard, Blake, Burt, Eliel, Gray, Hickey, Holt, Holter, Jacobson, Moore of Valley, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Story and Vaughan—18.

For John Burkman—Bell—1.

For W. L. Holloway—Higgins—1.

For H. C. Smith—Jordan, Murray, Slayton and Stevens—4.

For John Hayes—McNally—1.

For Peter Sanger—Moore of Silver Bow—1.

For A. J. Broderick—Schwartz—1.

For G. B. Winston—Swick—1.

For Carl Rasch—Tolman—1.

For G. W. Blackburn—Tuttle—1.

For Harold Blake—Williams—1.

Total—65.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	31
For T. H. Carter	28

For W. G. Conrad	13
For H. C. Smith	6
For Carl Rasch	2
For W. R. Allen	1
For H. H. Parsons	1
For T. M. Swindlehurst	1
For Wm. Lindsay	1
For R. Lee Word	1
For John Burkman	1
For W. L. Holloway	1
For John Hayes	1
For Peter Sanger	1
For A. J. Broderick	1
For Geo. B. Winston	1
For G. W. Blackburn	1
For Harold Blake	1
Total	93
Paired:	
Macdonald-Grubb,	
Sarter-Asbridge,	
English-Lissner,	
Hewett-Byrnes,	8
Grand Total	101

The President thereupon announced no election.

Meyer moved that it be the sense of this Assembly that it is presumptious for us and out of order for us to presume and assume that any proofs have been offered to show that there has been anything improper in the transaction of matters of business in the legislature of the State of Massachusetts.

Pepresentative Blackburn moved to lay this motion on the table.

Motion lost.

The original motion was then carried.

On motioin of Senator Cockrell the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Hewett, the House took a recess at 1:00 o'clock P. M., to meet at 2:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:30 P. M.

Mr. Speaker in the chair.

Roll called, quorum present.

On motion of Duffy of Granite the House adjourned at 2:40 o'clock P. M., to meet tomorrow at 10:30 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Twenty-Third Day.

Tuesday, January 24, 1911.

House met pursuant to adjournment, at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Reel, the Journal of the Twenty-second day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

The Christian Science churches in Montana extend a cordial invitation to the members of the House of Representatives of the State of Montana to a lecture on Christian Science to be given in the Helena Theatre on Tuesday evening at 8:30 o'clock of January 24th.

The lecturer of the evening is Mr. Clarence C. Eaton, C. S. B., of Tacoma, Washington, member of the Board of Lectureship of the Mother Church, The First Church of Christ, Scientist, in Boston, Mass.

NOTICES OF BILLS.

By Tolman: A Bill entitled, "A Bill for an Act providing for a method of organization of Counties hereafter created, and describing the methods thereof, and providing for the appointment of the necessary officers and persons for such organization, and the duties of such officers, and the manner of their selection or appointment, and providing for the expenses thereof."

By Tolman: A Bill for an Act entitled, "An Act to define and punish lobbying."

By Berry: A Bill for an Act entitled, "An Act to define the words, "inhabitant" and "resident."

By Herbold: A Bill for an Act entitled, "An Act to regulate the practice of Veterinary Medicine and Surgery in the State of Montana and to establish a Board of Examiners in Veterinary Medicine and Surgery; and to define offenses committed contrary to the provisions of this Act; and providing penalties for the violation thereof."

By Berry: A Bill for an Act entitled, "An Act to repeal Section 6579 of the Revised Codes of Montana of 1907, and to substitute therefor Section 6579, providing for cross complaints in an action where the ultimate rights of two or more defendants, as between themselves, may be determined in the action, and for service of the cross complaint, and for issuing service and return of summons upon the cross complaint."

By Slayton: A Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of County Clerks."

By Martin: A Bill for an Act entitled, "An Act to empower the Governor to remove from office any Sheriff or County Attorney of any County in the State of Montana, who has refused or neglected to perform the official duties pertaining to his office, and prescribing the procedure therefor."

By Duffy of Granite: A Bill for an Act entitled, "An Act to define the words or term 'lowest responsible bidder.'"

By Williams: A Bill for an Act entitled, "An Act to amend Section 268 of the Revised Codes of 1907, relating to the Schedule of Wages of persons employed in the operation of the heating plant at the State Capitol."

By O'Hern: A Bill for an Act entitled, "An Act to amend Section 7027 of the Revised Codes of Montana of 1907, relating to undertaking on attachments in Justice of the Peace Courts and to exceptions to the sufficiency of the sureties on the undertakings."

By Committee on Live Stock and Public Ranges: A Bill for an Act entitled, "An Act providing for the payment of interest by the State on bounty claims presented and unpaid."

REPORTS OF SELECT COMMITTEES.

Dobell from the Committee selected to segregate the Governor's message reported as follows:

Mr. Speaker:

Your Committee appointed to segregate the message of the Governor, to whom was referred the special message and four bils of His Excellency upon conservation, beg leave to report recommending that said message and bills be referred to the Committee on State Lands.

Report adopted.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 50, 97, 68, 171, 95, 120 and 107, beg leave to report same back to the House as correctly printed.

Binnard from the Committee on Townships and Counties, reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having under consideration House Bill No. 127 entitled, "An Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent, poor, sick and infirm," return the bill to the House with the recommendation that the word "indigent" be inserted in Section 1, in line 9, preceding the word "sick" in such line, and in line 12 of the same Section, preceing the word "poor" where it appears in said line, and that said bill, as amended do pass.

Report adopted.

Also

Word from the Committee on Ways and Means reported as follows: Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 7, being a Bill for an Act entitled, "An Act to provide for the taxation of Mortgages," beg leave to report as follows: That said Bill be reported back to the House with the recommendation that the same do pass.

Report adopted.

Also

The Committee on Ways and Means reported as follows: Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 58, being a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 3 of Article XII of the Constitution of the State of Montana relating to revenue and the taxation of mines," beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed. (Signed) McNally, Whaley, Law, Gillis, Moore of Valley, Wheeler of Cascade and Word.

Also

The Committee on Ways and Means reported as follows: Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 58, being a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 3 of Article XII of the Constitution of the State of Montana relating to revenue and taxation of mines," having had the same under consideration, a minority of said Committee respectfully recommend that said bill do pass. (Signed) Woody, Donohue and Bernard.

Word moved that the majority report of this committee be adopted.

Woody moved as an amendment that the minority report of this committee be adopted.

Motion as amended, that the minority report be adopted, prevailed.

Herbold from the Committee on Live Stock and Public Ranges reported as follows: Mr. Speaker:

Your Committee on Live Stock and Ranges to whom was referred Senate Bill No. 34, introduced by McCone, being a Bill for an Act entitled, "An Act providing for the disposition of moneys received from the sale of estrays, and prescribing the duties of the State Treasurer, and Board of Stock Commissioners with reference thereto,' beg leave to report as follows: That the Bill be reported back to the House with the recommendation that the same be concurred in.

Report adopted.

Also

Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 156, a Bill for an Act entitled, "An Act providing that a recorded mark or brand upon an animal shall be prima facie evidence of the ownership of such animal," beg leave to report as follows: That the Bill be reported back to the House with the recommendation that the same do pass.

Report adopted.

Also

Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 185, a Bill for an Act entitled, "An Act providing compensation to the owners of glandered horses that may be destroyed according to law, and appropriating money therefor," beg leave to report as follows: That the Bill be reported back to the House with the recommendation that the same do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 91, being a Bill for an Act entitled, "An Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of Court in certain cases, and prescribing his or their duties and compensation," report the same back to the House and move that the same be amended by inserting the following words and figures, after the last word of the title, to-wit: "and repeal Sections 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888 and 4889 of the Revised Codes of Montana of 1907, relating to Water Commissioners," and recommend that the said bill, as amended, do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 161, being a bill for an Act entitled, "An Act providing for the admission in evidence of confessions of the accused in criminal cases," report the same back to the House with the recommendation that the bill do not pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 170, being a bill for an Act entitled, "An Act to amend Section 6658 of the Revised Codes of Montana, relating to attachments," report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 86, being a bill for an Act entitled, "An Act defining and relating to wage brokers; regulating assignment of wages and salaries as security for loans, and fixing a maximum rate of interest for loans upon wages and salaries and providing penalties for violation thereof," beg leave to report the same back to the House with the following amendment:

Strike out in Section 4, line 2, the words "or any other person;" also the word "employe" in line four of said Section and insert in lieu thereof the word "employer." Also strike out in Section 10, line 3, the words "or any other person," and as amended recommend that the bill do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 187, being a bill for an Act entitled, "An Act making it the duty of every Board of County Commissioners to supply each Justice of the Peace within the County, with a copy of the Revised Codes of Montana of 1907; the Session Laws enacted by subsequent Legislative Assemblies and also a Docket," report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also

Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred House Bill No. 163, introduced by Eliel, a bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same," recommend that this bill be amended by inserting the words, "or a credit," after the word "presentation" in Section 1, and that as amended it be recommended for passage.

Report adopted.

Also

Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred House Bill No. 82, introduced by Slayton, a bill for an Act entitled, "An Act permitting the incorporation of banks of discount and deposit with a capital stock of not less than Ten Thousand Dollars," after due consideration beg leave to report and recommend that it do not pass.

Report adopted.

Also

Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred Senate Bill No. 7, introduced by Edwards, a Bill for an Act entitled, "An Act to amend Section 3003, and Section 3257 of the Revised Codes of Montana relating to the deposit and control of public money in the possession of County and City Treasurer, and to provide for the payment of interest on deposits of public money and for the furnishing of official bond by such officers," beg leave to report and recommend that it be not concurred in.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Wheeler of Silver Bow, H. B. No. 189: A Bill for an Act entitled, "An Act to amend Section 6740, and to repeal Section 6744, of the Revised Codes of Montana of 1907, relating to challenging of the Jury or Jurors."

By Wheeler of Silver Bow, H. B. No. 190: A Bill for an Act entitled, "An Act relating to, and regulating the sale of coal, within the State of Montana, requiring all persons, associations, or corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violation of this Act."

By Wheeler of Silver Bow, H. B. No. 191: A Bill for an Act entitled, "An Act to amend Sections 7169, 7170 and 7171, of the Revised Codes of Montana of 1907, relating to costs and disbursements in the trial of cases."

By Story, H. B. No. 192: A Bill for an Act entitled, "An Act to pay a bounty of Twenty-five ($25) Dollars on each mountain lion killed in Montana, and providing that the same shall be paid from the Fish and Game Fund."

By Story, H. B. No. 193: A Bill for an Act entitled, "An Act to prevent the hunting or killing of game animals or birds between sunset of one day and sunrise of the next day; and to provide for the punishment of those who violate the provisions of said Act, and to provide for the disposition of the fines so collected."

By Gills, H. B. No. 194: A Bill for an Act to amend Section 3397 of the Revised Codes of Montana, relating to the creation of special improvement districts and the maintenance thereof."

By Gillis, H. B. No. 195: A Bill for an Act granting to the city or town council of cities or towns of the State of Montana the power to cause the removal or destruction of any house, building or other structure which is insecure or is liable to cause injury to surrounding property by reason of fire, or which by reason of dilapidation is unsightly."

By Gills, H. B. No. 196: A Bill for an Act to amend Section 3372 of the Revised Codes of Montana, relating to public sewers."

READING OF BILLS.

The folowing bills were taken from the file:

H. B. No. 189, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 190, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 191, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 192, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 193, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 194, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 195, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 196, read first and second times by title only, and referred to Committee on Affairs of Cities.

MESSAGES FROM THE SENATE.

The folowing communications were received from the Senate:

Senate Chamber, Helena, Montana, January 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, in accordance with the Resolutions contained in the message from the House, under date of January 18th, 1911, for the purpose of collecting all necessary data respecting the salary of State Officers, as suggested in a message from the Governor of the same date, the President of the Senate appointed Sellway, Mufily and McCone to act with a like committee of three to be appointed by the House; I herewith transmit same for your information.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the following Notices of Introduction of Bills were this day given:

By Christopher: A Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana, 1907, relating to the classification of Insurance Corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith."

By Stout: A Bill for an Act entitled, "An Act to empower the Governor to remove from office any sheriff or county attorney of any county in the State of Montana who has refused or neglected to perform the official duties pertaining to his office, and prescribing the procedure therefor."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 79, by Gallwey: A Bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes of 1907, relating to the election of School Trustees and classification of School Districts." Referred to Committee on Education.

Senate Bill No. 80, by Muffly: A Bill for an Act for the submission to the qualified electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana relating to elective officers of counties. Referred to Committee on Elections and Privileges.

Senate Bill No. 81, by Edwards: A Bill for an Act entitled, "An Act relating the sale of malt, spirituous and vinous liquors, and providing penalties for the violation thereof." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 82, by Groff: A Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana, for 1907, relating to Gambling and providing punishment therefor." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 83, by McCarthy: A Bill for an Act entitled, "An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana, relative to registration of births and deaths." Referred to Committee on Public Morals.

Senate Bill No. 84, by Dunnigan: A Bill for an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint additional deputies at certain times; providing for their compensation, and authorizing the State Game and Fish Warden to employ an additional clerk, and fixing the salary thereof, and providing the manner in which the same shall be paid." Referred to Committee on Fish and Game.

Senate Bill No. 85, by Committee on Public Lands, (by request): A Bill for an Act relating to the rights of the State of Montana, in

and to the waters of the State, including the beds of bodies of water, and relating to the use of water for power and other purposes. Referred to Committee on Public Lands.

Senate Bill No. 86, by Committee on Public Lands, (by request): A Bill for an Act providing for the protection of Forest and other Lands from fire, prescribing the duties of Fire Wardens, providing for the expenses thereof and prescribing penalties for the violation of this Act. Referred to Committee on Public Lands.

Senate Bill No. 87, by Committee on Public Lands, (by request): A Bill for an Act entitled, "An Act to cede certain State School Lands to the United States in lieu of other lands and providing for the selection of the Lieu Lands." Referred to Committee on Public Lands.

Senate Bill No. 88, by Committee on Public Lands, (by request): A Bill for an Act to amend Sections 8, 10, 22, 53, 54, 55, 56, 57 and 61 of Chapter 147, of the Montana Session Laws of 1909. Referred to Committee on Public Lands.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

THIRD READING OF HOUSE JOINT RESOLUTIONS.

House Joint Resolution No. 2 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gilis, Gray Hayes, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Carter, Schwartz, Slayton, Swick, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—61.

Noes—None.

Absent and not voting—Bernard, Byrnes, Duffy of Silver Bow, Grubb, Herbold, Hewett, Lissner, Macdonald, Stevens, Story, Tolman and Wheeler of Silver Bow—12.

Title agreed to.

THIRD READING OF HOUSE BILLS.

Substitute House Bill No. 11, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick,

Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Word, and Mr. Speaker—64.

Noes—Crouch and Whaley—2.

Absent and not voting—Grubb, Macdonald, Rodgers, Stevens, Tolman, Wiliams and Woody—7.

Title agreed to.

House Bill No. 24, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Ebert, Eliel, English, Gillis Gray, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Wiliams, Woody, Word and Mr. Speaker—61.

Noes—None.

Absent and not voting—Berry, Blackburn, Duffy of Granite, Duffy of Silver Bow, Grubb, Macdonald, McNally, O'Hern, Stevens, Tolman, Tuttle and Vaughan—12.

Title agreed to.

No objection being offered, Mr. Speaker reverted back to the second order of business.

NOTICE OF BILLS.

By Brady: A Bill for an Act entitled, "An Act to provide for the establishment of districts in which the running of Live Stock at large shall be forbidden and fixing penalties for the violation of this Act."

By Baker: A Bill fixing a maximum limit upon the dimensions of ladies' bonnets, and providing for the muzzling of hat pins.

By Bell: A Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana, of 1907, and providing that Interest Coupons for payment of interest of any special improvements warrant of any city or town within the State of Montana may bear an engraved or lithographed fac simile signature of the Mayor and City or Town Clerk of such city or town."

By Byrnes: A Bill for an Act entitled, "An Act to amend Section 2891 of the Revised 1907 Codes of Montana."

By Byrnes: A Bill for an Act entitled, "An Act concerning sale certificates to real estate."

By O'Hern: A Bill for an Act entitled, "An Act to exempt honorably discharged sailors and soldiers of the war of the Rebellion and honorably discharged sailors and soldiers of the Spanish-American War from the payment of road tax and poll tax.

No objection being offered, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs, to whom was referred Senate Bill No. 32, a Bill for an Act entitled, "An Act to amend Section No. 2499 of the Revised Codes of Montana of 1907, and providing for the exemption of property not to exceed eight hundred dollars in value of soldiers and sailors of the United States, or their widows," having carefully considered the same, ask that the words "or marine" be inserted after the word "sailor" in line twelve (12), section one (1), and that the word "American" be inserted before the word "war" in line fourteen (14), section one (1), and that the words "or marine" be inserted after the word "sailor" in both places where it occurs in line seventeen (17), section one (1), and that the word "marine" be inserted in line twenty-one (21), after the word "sailor," and the words "or marine" be inserted in line twenty-two (22) after the word "sailor," and the words "or marine" be inserted after the word "sailor" in line twenty-four (24), all of section one.

With the changes your committee recommends that the bill be concurred in.

Report adopted.

Also

Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred H. B. No. 174, a bill for an Act entitled, "An Act to regulate the discharge of firing of fireworks and pyrotechnics," having carefully considered the same, we recommend that the same do pass.

Report adopted.

The hour of 11:50 A. M. having arrived, the Chief Clerk called the roll of the House and all members were found present.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in joint assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except Grubb and Macdonald, who were paired.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

On motion of Whiteside, Reed's Rules of Order were adopted for the Joint Assembly except those rules that were adopted at the previous session.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was fol-

lowed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—12.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly and Stout—8.

For W. G. Conrad—Cockrell and Gallwey—2.

For W. R. Allen—Burlingame, Everett and Sykes—3.

For T. M. Swindlehurst—Conrow 1.

For Wm. Lindsay—McCone—1.

For G. E. Blackburn—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Duffy of Silver Bow, Ebert, Johnson of Ravalli, Kammerer, Kirschwing, Law, McMurry, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Whaley, Wheeler of Silver Bow, Woody and Word—26.

For W. G. Conrad—Alley, Blackburn, Dobell, Duffy of Granite, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Moore of Silver Bow, O'Flynn, Wheeler and Mr. Speaker—13.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick and Wiliams—26.

For H. H. Parsons—Bell, Higgins and Vaughan—3.

For H. C. Smith—Jordan—1.

For Tom M. Everett—Tolman—1.

For G. E. Blackburn—Tuttle—1.

Total—71.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	34
For T. H. Carter	38
For W. G. Conrad	15
For W. R. Allen	3
For H. H. Parsons	3
For G. E. Blackburn	2
For T. M. Swindlehurst	1
For Wm. Lindsay	1
For H. C. Smith	1
For T. M. Everett	1
Total	99

Paired, Grubb and Macdonald..... 2

Grand total.....101

Mr. President thereupon announced no election, and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the Chair.

On motion of Donohue the House took a recess at 12:35 o'clock P. M. to meet at 2:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred H. B. No. 1, beg leave to report same back to the House as correctly printed.

Also

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 47, beg leave to report same back to the House as correctly printed.

Also

Kirschwing from the Committee on Mileage and Per Diem reported as follows:

Mr. Speaker:

We, your Committee on Mileage and Per Diem having had under consideration H. B. No. 136, introduced by Harry J. Vaughan, a bill for an Act entitled, "An Act to amend Section 3111 of the Revised Codes of the State of Montana, relating to mileage," recommend that it do not pass.

Report adopted.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State House Joint Resolution No. 3, relating to a request of Congress to grant lands to the State for the establishment and maintenance of a tuberculosis hospital.

EDWIN L. NORRIS,

Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your HonorableBody that the following notices of Introduction of Bills were this day given:

By Whiteside: A Bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of Boiler Inspector."

By Leary: A Joint Memorial asking for the construction of two steel bridges over the Kootenai Forest Reserve by the United States Government acting in conjunction with the Civil Government of Lincoln County, Montana.

By Stout: A Bill for an Act entitled, "An Act to amend Section 15 and Section 16 of Article XII of the Constitution of the State of Montana relating to revenue and taxation."

By McCarthy: A Bill for an Act entitled, "An Act to amend Section 213 and 214 of the Revised Codes of Montana, 1907, relating to the salaries and expenses of the State Examiner, his assistants, deputies and clerks, and providing for the appointment of deputy therefor."

By Burlingame: A Bill for an Act entitled, "An Act to amend Section 3342 of the Revised Codes of Montana for 1907, relative to levy of taxes by municipalities, and providing for a tax levy by municipalities of not exceeding two mills of the assessed valuation of taxable property in city or town for maintaining public parks."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills have been this day introduced, read first and second time and referred:

Senate Bill No. 89, by Whiteside: A Bill for an Act entitled, "An Act to provide for the improvement of streams and waterways for the driving of logs and lumber and authorizing the County Commissioners to fix the rates of toll for the use of such streams and waterways." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 90, by Stout: A Bill for an Act entitled, "An Act to empower the Governor to remove from office any sheriff or county attorney of any county in the State of Montana, who has refused or neglected to perform the official duties pertaining to his office, and prescribing the procedure therefor." Referred to Committee on Judiciary.

Senate Bill No. 91, by Duncan. A Bill for an Act entitled, "An Act to provide for procuring public records, the distribution of debts and assets, and pertaining to the collection of taxes on annexing territory to counties and municipalities, detached from other counties and municipalities." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 92, by Donlan: A Bill for an Act entitled, "An Act

defining the powers and duties of the State Board of Examiners with reference to the erection, completion, decorating and furnishing of the wings to the State Capitol Building." Referred to Committee on Public Buildings.

Senate Bill No. 93, by Gallwey: A Bill for an Act providing for Juvenile Court Procedure, providing for the appointment of Probation Officers, outlining their duties and specifying their compensation, providing a lawful method of procedure against Juvenile delinquents, their parents and guardians, specifying places for their temporary and permanent detention and the compensation for their care, providing for the time and place of trial, repealing certain acts therein named and declaring an emergency. Referred to Committee on Judiciary.

Senate Bill No. 94, by Committee on Roads and Highways: A Bill for an Act to enact a General Highway Law, with an appropriation to carry its provisions out; providing for the classification and permanent improvement of the public highways and for the granting of County and State aid in certain cases, including the employment of prison labor thereon; creating a State Highway Board and the office of State Highway Commissioner and repealing Sections 1337, 1338, 1340, 1341, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and also repealing that certain act approved March 11, 1909, entitled, "An Act to provide for the permanent improvement of Main Highways by extension of county aid for such purpose, to provide the manner of petitioning for such improvement for the levying of assessments upon lands benefited thereby for the payment of the part of the cost thereof." Referred to Committee on Roads and Highways.

Senate Bill No. 95, by Whiteside: A Bill for an Act entitled, "An Act for preventing the manufacture, sale or transportation of adulterated insecticides and fungicides, and for regulating traffic therein, and fixing penalties for the violation of this act." Referred to Committee on Horticulture.

Senate Bill No. 96, by Christopher: A Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana, 1907, relating to the classification of Insurance Corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith." Referred to Committee on Insurance.

Senate Bill No. 97, by Whiteside: A Bill for an Act entitled, "An Act to amend Section 8555, of the Revised Codes of Montana of 1907, relating to the selling of liquor at retail within five miles of grading camps, and to prohibit the selling, furnishing or giving away of any spirituous or malt liquors, wines or cider or other beverages containing intoxicating liquor within five miles of any Chantauqua or grounds or buildings reserved, set apart or used for any religious, benevolent,

charitable, educational, literary, or scientific undertakings and fixing for the violation of the same." Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

January 24th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 56, introduced by Bell, a Bill for an Act entitled, "An Act specifying and providing how School District Warrants shall be executed and signed," having been read first and second time and referred to Committee on Education. Committee recommends that House Bill No. 56 be not concurred in, report adopted and is herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

THIRD READING OF HOUSE BILLS.

House Bill No. 40 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, McMurry, McNally, McQuilty, Martin, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—65.

Noes—None.

Absent and not voting—Bernard, Grubb, Kammerer, Macdonald, Moore of Silver Bow, Nolan, Owenhouse and Tuttle—8.

Title agreed to.

House Bill No. 6, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Mr. Speaker—62.

Noes—Eliel and Rodgers—2.

Absent and not voting—Bernard, Grubb, Kammerer, Macdonald, Nolan, Owenhouse, Stevens, Vaughan and Word—9.

Title agreed to.

GENERAL ORDERS.

On motion of Eliel the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Swick in the chair.

House resumed.

Mr. Speaker in the chair.

Swick from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 21, a Bill for an Act entitled, "An Act to amend Section 292 of the Revised Codes of Montana of 1907, relating to salaries of Judges of the District Court," having had same under consideration recommend that it be concurred in.

Also

Having had under consideration Senate Bill No. 34, a Bill for an Act entitled, "An Act providing for the disposition of money received from the sale of estrays and prescribing the duties of the State Treasurer and Board of Stock Commissioners with reference thereto," recommend that it be concurred in as amended.

Also

Having had under consideration Senate Bill No. 32, a Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, and providing for the exemption of property not to exceed Eight Hundred ($800.00) Dollars in value of soldiers and sailors of the United States or their widows," recommend that same be referred to the Committee on Judiciary.

Also

Having had under consideration House Bill No. 71, a Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty ($250.00) Dollars for the payment of the deficiency claim of Dr. D. S. McKenzie, for service as Meat and Milk Inspector in Chouteau County from Dec. 1st, 1904, to March 31st, 1905, inclusive," recommend that it do pass.

Also

Having had under consideration House Bill No. 65, a Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of 1907 relating to license of Telephone, Telegraph, Electric Light, Gas and Water Companies," recommend that it do pass as amended.

On motion of Binnard, report was amended, and House Bill No. 65 was referred to Judiciary Committee and thereupon the report of the Committee of the Whole was adopted as thus amended.

No objection being offered, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

O'Hern from the Committee on Development and Publicity reported as follows:

Mr. Speaker:

The Committee on Development and Publicity, having under consideration House Bill No. 147, introduced by Donohue, being a bill for "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2, Article 9, of the Constitution of the State of Montana, relating to the rights of suffrage and qualifications to hold office," report as follows:

That Section 2 of Section 2 of said bill be amended by inserting the words "or she" after the word "he" and before the words "shall have resided" so that said section shall read as follows: "Second: He or she shall have resided in this State one year" and by amending the said Section 2 of Section 2 of said bill by inserting the words "or she" after the word "he" and before the words "offers to vote," so that said section shall read as follows: "Second: He or she shall have resided in this State one year immediately preceding the election at which he or she offers to vote and in the town, county or precinct such time as may be prescribed by law," and with said amendments the said Committee report said bil without recommendation other than that said bill be printed and placed upon General Orders.

Report adopted.

Also

O'Hern from the Committee on Development and Publicity reported as follows:

Mr. Speaker:

Your Committee on Development and Publicity having under consideration Senate Bill No. 52, introduced by Donlan, being a bill for an Act entitled, "An Act to prevent the seduction and prostiution of women and girls and providing punishment therefor and to prevent the receipt of money or other valuable things, without consideration, from women engaged in prostitution, and prescribing punishment therefor, and to repeal Sections 8341 and 8342 of the Revised Codes of 1907," report said bill favorably and with the recommendation that the House do concur in the same.

Report adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 165, introduced by Owenhouse, the same being a bill for an Act appropriating money for erecting and furnishing an engineering building at Bozeman, recommend that the same do pass.

Report adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds to whom was referred House Bill No. 167, introduced by Word, the same being a bill for an Act authorizing the Montana Childrens' Home Society to take from the Orphans' Home at Twin Bridges, dependent children, and place them in carefully selected homes for adoption, and to provide compensation for the placing and caring of them, recommend that the same do pass.

Report adopted.

Also

McNally from the Committe on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 181, introduced by McNally, entitled, "An Act to provide and fix the salary and compensation of Under Sheriffs in counties of the first class," beg leave to report having had under consideration House Bill No. 181, they recommend that the bill do pass.

Report adopted.

Also

McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 19, introduced by Moore of Silver Bow, entitled, "An Act to provide for the payment of employees semi-monthly and to prevent the assignment of wages by an employee to defeat the purposes of this act, and providing a penalty for the violation hereof," beg leave to report that the Committee recommends an amendment to House Bill No. 19 as follows, in Section 1:

That all the words following the word "representatives" in line ten be stricken out up to and including the words "such payment shall be made" in line fifteen, and insert in lieu thereof as follows:

"The first payment shall be made not later than the 15th of the month, and shall include all wages earned up to and including the last day of the previous month; the second payment to be made not later than the last day of the month, to include all monies due up to and including the 15th of the month" and that the Chairman of this Committee is authorized to report that the bill as amended do pass.

Report adopted.

Also

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 12 beg leave to report same back to the House as correctly printed.

On motion of Donohue, the House adjourned at 4:30 o'clock P. M. to meet tomorrow at 10:30 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Twenty-Fourth Day.

Wednesday, January 25, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Law and Schwartz.

On motion of Reel, the Journal of the Twenty-third day as read was approved.

NOTICES OF BILLS.

By Kirschwing: A Bill for an Act entitled, "An Act to establish a Sub-Experimental Station in Chestnut Valley, in Cascade County, Montana, and providing for the acquisition of land for the same, and the direction thereof, and appropriating money therefor."

By Bell: A Bill for an Act entitled, "An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors, and prescribing penalties."

By Byrnes: A Bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars in this State."

By Berry: A Bill for an Act to amend Sections 8, 10, 22, 23, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909.

By Berry: A Bill for an Act providing for the protection of forests and other lands from fire, prescribing the duties of fire wardens, providing for the expenses thereof, and prescribing for the violation of this Act.

By Berry: A Bill for an Act relating to the rights of the State of Montana in and to the waters of the State, including the beds of bodies of water, and relating to the use of water for power and other purposes.

By Berry: A Bill for an Act entitled, "An Act to cede certain State School Lands to the United States in lieu of other lands and providing for the selection of the lieu lands."

By Baker: A Bill for an Act providing for the purchase of the George C. Swallow Library for the University of Montana, and appropriating money for said purchase.

By Woody: A Bill for an Act entitled, "An Act to amend Section

2502 of the Revised Codes of Montana of 1907, relating to the assessment of property for taxation."

By Woody: A Bill for an Act entitled, "An Act providing for the assessment of lands owned by Counties and school districts, and situated within special improvement districts of cities or towns, and providing for the payment of such assessments."

REPORTS OF STANDING COMMITTEES.

Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We, your Committee on Agriculture having had under consideration House Bill No. 179, introduced by Story, a bill for an Act entitled, "An Act to secure for threshermen a lien upon grain and other crops threshed by them and to provide for the filing and foreclosing of the same in like manner as other mechanic liens are now filed and foreclosed," recommend that it do pass.

Report adopted.

Also

Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We, your Committee on Agriculture having had under consideration H. B. No. 176, introduced by O'Hern, a bill for an Act entitled, "An Act to appropriate money for the payment of the expenses incurred by the Commissioner of the Bureau of Agriculture, Labor and Industry in complying with the provisions of Cahpter 70 of the Laws of Montana of 1909, and acts amendatory thereof," recommend that it do pass.

Report adopted.

Also

Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We, your Committee on Agriculture having had under consideration H. B. No. 175, introduced by O'Hern, a bill for an Act entitled, "An Act to amend Chapter 70 of the Laws of Montana, of 1909, relating to duties of the Commissioner of the Bureau of Agriculture, Labor and Industry, by adding thereto a section to be numbered Section 12, relating to the collection and exhibition of Agriculture, Mineral and other exhibits," recommend that it do pass.

Report adopted.

Also

Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 153, introduced by Eliel, "A Bill for an Act to amend Section 3245 Revised Codes of 1907, relating to salary of Chief of Police," beg leave to report that having had the same under consideration, we recommend that the bill be amended as follows:

Strike out the words "and fifty" in line nine, after the word "hundred."

Insert in line ten, after the word "class" the words "not to exceed."

Insert in line eleven, after the word "class" the words "not to exceed," and that as amended, the bill do pass.

Report adopted.

Also

Alley from the Committee on Affairs of Cities reported as follows: Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 117, introduced by Berry, a bill for an Act entitled, "An Act to amend Seceiton 3531 of the Revised Codes of Montana, relating to Townsites," having had the same under consideration, report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also

Alley from the Committee on Affairs of Cities reported as follows: Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 118, introduced by Berry, a bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana relating to Townsites," having had the same under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also

Alley from the Committee on Affairs of Cities reported as follows: Mr. Speaker:

We your Committee on Affairs of Cities, to who was referred House Bill No. 81, introduced by Law, a bill for an Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to the employment of city superintendents of schools, term of employment, and sources of compensation," having had the same under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also

Alley from the Committee on Affairs of Cities reported as follows: Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 69, introduced by Law, a bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to Section 6 of Article 13 of the Constitution of the State of Montana, relating to the indebtedness of cities," having had the same under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also

Alley from the Committee on Affairs of Cities, reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 22, introduced by Gillis, a bill for an Act entitled, "An Act to amend Section 3327 of the Revised Codes of the State of Montana relating to the establishment of fire departments," beg leave to report a substitute measure entitled "Substitute for House Bill No. 22, introduced by Gillis, a bill for an Act entitled, "An Act to amend Section 3327 of the Revised Codes of the State of Montana, relating to the establishment of fire departments," and recommend that the said substitute do pass.

Report adopted.

Also

Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 38, a bill for an Act entitled, "An Act providing for the establishment of a tax levy on Live Stock for the purpose of paying bounties on wild animals, and for stock inspection, protection, and indemnity purposes, and providing a method thereof," beg leave to present herewith a substitute for said House Bill No. 38, and would respectfully recommend that the substitute bill do pass.

Report adopted.

Also

Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was submitted House Bill No. 41, by Herbold, a bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes, relating to bounties for killing wolves, coyotes and mountain lions, and to provide for the payment of the same," beg leave to present herewith a substitute for said bill.

Report adopted.

Also

Dobell from the Committee on Apportionment and Representation reported as follows:

Mr. Speaker:

We your Committee on Apportionment and Representation, having had under consideration House Bill No. 14, introduced by Bell, entitled, "An Act to amend Section 43 and to repeal Sections 45 and 46, Chapter II, Title I, Part II, of the Political Code of the Revised Codes of Montana of 1897, relating to representation," beg leave to report recommending the indefinite postponement of said bill for the reason that it provides for one representative for every four thousand (4,000) people,

a ratio which if adopted would make the House of Representatives unwieldly in size.

Report adopted.

Also

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 185, a bill for an Act entitled, "An Act providing for compensation to the owners of glandered horses that may be destroyed according to law, and appropriating money therefor," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 88, a bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterments of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 105, a Bill for an Act entitled, "An Act appropriating money for the erection of greenhouses and farm buildings at the Montana Agricultural Experiment Station at Bozeman," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 96, a bill for an Act entitled, "An Act to create and establish a Law School at Missoula, to be conducted and operated as a department of the University of Montana, to provide a name and to make an appropriation therefor," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also

Law from the Committee on Fairs and Expositions reported as follows:

Mr. Speaker:

Your Committee on Fairs and Expositions having had under consideration House Bill No. 31, introduced by Nolan entitled, "A Bill for an Act empowering the Board of Directors of the Montana State Fair to acquire certain land for the use of the State Fair and appropriating money for the acquisition thereof," recommend that the same do pass.

Report adopted.

Also

Law from the Committee on Fairs and Expositions reported as follows:

Mr. Speaker:

Your Committee on Fairs and Exposition to whom was referred House Bill No. 99 introduced by Grubb entitled, "A Bill for an Act entitled an Act to provide for the acquisition of land for the use of Couty Fair Associations, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvemnts thereon and to amend Section 2928 of the Revised Codes of Montana of 1907," recommend that the same do pass with the following amendment:

Change the words, "In sum not to exceed Four Thousand ($4,00.00) Dollars for any one year, to the words "In the sum not to exceed Twenty-five Hundred ($2,500.00) Dollars for any one year.

Report adopted.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 78, a bill for an Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana of 1907, relating to the examination and qualification of teachers, and to the grades of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College, and to repeal Section 964 of the Revised Codes of 1907, having had the same under consideration, report said bill back to the House with the recommendation that Section 2 of said bill be amended by striking out in lines 9 and 10 the words, "provided that this act shall not apply to those graduating previous to June 20th, 1911," and inserting in lieu thereof the following: "Provided, however, that those graduating from the State Normal College prior to June 20th, 1911, in the four year course, shall be required to teach successfully but nine months, and those of the three year course but eighteen months, to receive a life diploma," and that as amended said bill do pass.

Report adopted.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 137, a bill for an Act entitled, "An Act to require the instruction of pupils in public, private and parochial schools in fire dangers, and means of prevention thereof," having had the same under consideration, recommend,

First, That Section 1 of said bill be amended by striking out in line 3, the word "month" and inserting in lieu thereof the word "week."

Second, That Section 1 be amended by striking out in line 3, the word "thirty" and inserting in lieu thereof the word "fifteen."

Third, That Section 1 be amended by striking out in lines 7 and 8, the words "the State Fire Marshal, if there be one, and if not, then," and that as amended said bill do pass.

Report adopted.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 188, a bill for an act entitled, "An Act to amend Section 907 of Article 7, of the Revised Codes of Montana, of 1907, relating to corporal punishment in schools," having had the same under consideration, report said bill back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 57, a bill for an Act to amend Section 877 of the Revised Codes of the State of Montana, and providing for transportation of pupils within the school district where they reside, or from one district to another," having the same under consideration, report said bill back to the House with the recommendation that it do pass.

Report adopted.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education having had under consideration House Bill No. 129, a bill for an act entitled, "An Act authorizing the Governor to appoint an Educational Commission for the purpose of amending, revising and colating the laws touching upon the public schools of the State, and for the further purpose of suggesting new legislation for the welfare of said schools, and an appropriation to meet the expenses of said commission," report the same back to the House with the recommendation that the same do pass, but that it be referred to Committee on Appropriations.

Report adopted and referred to Committee on Appropriations.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 122, being an Act to amend Section 673 of the Revised Codes of Montana, of 1907, relating to the duties of the President of the University of Montana, by changing the date of filing annual report," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education, having had under consideration House Bill No. 87, a bill for an Act entitled, "An Act relating to qualifications of teachers and the granting of Teacher's certificates to graduates of the University of Montana," report the same back to the House with the recommendation that Section I thereof be amended by striking out the words "thirty-six" in line eight, and inserting in lieu thereof, the words "Twenty-seven," and that as amended said bill do pass.

Report adopted.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education having had under consideration House Bill No. 53, a bill for an act entitled, "An Act to define and punish the desertion for non-support of family," report the same back to the House with the recommendation that it be referred to the Judiciary Committee.

Report adopted, and referred to Judiciary Committee.

Also

Woody from the Committee on Education reported as follows:

Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 29, a bill for an act entitled, "An Act to amend Section 901 of the Revised Codes of the State of Montana, relating to the certificate of qualification of teachers in the public schools of the State of Montana," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 160, being a bill for an act entitled, "An Act to amend Section 7724 of the Revised Codes of 1907 of the State of Montana, relating to an inheritance tax on direct and collateral inheritance, bequests

and devices, and to provide for its collection and direct the disposition of its proceeds," report the same back to the House with the recommendation that the same do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Martin, H. B. No. 197: An Act entitled, "An Act to empower the Governor to remove from office any Sheriff or County Attorney of any county in the State of Montana, who has refused or neglected to perform the official duties pertaining to his office, and prescribing the procedure therefor."

By Committee on Live Stock and Public Ranges, H. B. No. 198: A Bill for an Act entitled, "An Act to regulate the practice of Veterinary Medicine and Surgery in the State of Montana; and to establish a Board of Examiners in Veterinary Medicine and Surgery; and to define offenses committed contrary to the provisions of this Act; and providing penalties for the violation thereof."

By Committee on Live Stock and Public Ranges, H. B. No. 199: A Bill for an Act entitled, "An Act providing for the payment of interest by the State on Bounty claims presented and unpaid and appropriating money therefor."

By O'Hern, H. B. No. 200: A Bill for an Act entitled, "An Act to amend Section 7027 of the Revised Codes of Montana of 1907, relating to undertakings on attachments in Justice of the Peace Courts, and to exceptions to the sufficiency of the sureties on the undertakings."

By Berry, H. B. No. 201: A Bill for an Act entitled, "An Act to repeal Section 6579 of the Revised Codes of Montana of 1907, and to substitute therefor Section 6579, providing for cross-complaints in an action where the ultimate rights of two or more defendants, as between themselves, may be determined in the action, and for the service of cross-complaint, and for the issuing, service and return of summons upon the cross-complaint."

By Berry, H. B. No. 202: A Bill for an Act entitled, "An Act to define the words, "Inhabitant" and "Residence."

By Grubb, H. B. No. 203: A Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of Montana, relating to the regular meetings of the Board of County Commissioners."

By Grubb, H. B. No. 204: A Bill for an Act entitled, "An Act to amend Section 875 of the Revised Codes of Montana, relating to the powers and duties of school boards."

By Bell, H. B. No. 205: A Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana of 1907, providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana may bear an engraved or lithographed fac simile signature of the Mayor and City or Town Clerk of such city or town."

By Vaughan, H. B. No. 206: A Bill for an Act entitled, "An Act

to regulate the hours when saloons and retail liquor stores shall remain closed."

By Tolman, H. B. No. 207: A Bill for an Act to define and punish lobbying."

By Law, H. B. No. 208: An Act entitled, "An Act appropriating money to pay W. L. Faulkner, J. B. Cudney, John Stuckie, W. O. Bohart, F. N. Foerschler, W. J. Crittenden, E. H. Davison, and J. E. Donahue, for certain live stock slaughtered by the State Veterinarian and Deputy Veterinarian in the years 1908 and 1909.

By Byrnes, H. B. No. 209: An Act entitled, "An Act concerning tax sale certificates to real estate."

By Byrnes, H. B. No. 210: A Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of 1907 of the State of Montana, relating to the time of holding meeting by the Board of County Commissioners."

By Slayton, H. B. No. 211: A Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of County Clerks."

By Williams, H. B. No. 212: A Bill for an Act entitled, "An Act to amend Section 268 of the Revised Codes of 1907, relating to the schedule of wages of persons employed in the operation of the heating plant at the State Capitol."

By Alley, H. B. No. 213: A Bill for an Act to amend Section 8582 of the Revised Codes of Montana of 1907, relating to carrying concealed weapons in cities or towns."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 197, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 198, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 199, read first and second times at length, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 200, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 201, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 202, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 203, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 204, read first and second times by title only, and referred to Committee on Education.

H. B. No. 205, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 206, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 207, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 208, read first and second times at length, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 209, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 210, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 211, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 212, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 213, read first and second times by title only, and referred to Committe on Affairs of Cities.

MOTIONS AND RESOLUTIONS.

Whaley moved that House Bill No. 1 be made a Special Order of Business for 2:30 o'clock this afternoon.

Motion lost.

Kirschwing moved as follows:

Mr. Speaker:

I make a motion that we dispose of some of the unnecessary help that we have employed at present.

Byrnes moved to lay this motion on the table. Motion carried.

Berry and Kirschwing stated that they wished to go on record that they were opposed to the tabling of this motion.

Reel offered the following Resolution:

Mr. Speaker:

Inasmuch as the duties of the expert stenographer hired by the House to keep a check on the proceedings of the House, consume the entire day and part of the evenings, I offer the following Resolution:

That he be allowed a salary of $8.00 per day, the same to take effect beginning with the 12th day of January, 1911, the day the said stenographer was put to work.

The duties of said stenographer and the objects for which he is appointed are as follows:

Keeping a complete record of all proceedings in the House which necessitates his presence during every minute of the entire session. The taking in shorthand of motions made and every matter arising in the House and the disposition of the same. The writing up of the notes taken during the day which must be done after the House adjourns for the day in order to have the same ready the next morning by nine o'clock, when they are compared with the Journal Clerk's books, the object being to eliminate any omissions or possible errors in the Journal. Whenever a motion is made viva voce it is taken in shorthand as the speaker makes it and then rewritten in long hand for the Journal Clerk. After these reports are compared each morning, the Journal Clerk's daily journal is compared with the type-writ-

ten record of the same which consumes the time until the House again meets.

On motion of Reel the Resolution was adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 21 having been read three several times, was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—65.

Noes—Rodgers—1.

Absent and not voting—Gillis, Law, Macdonald, McNally, Schwartz, Stevens and Whaley—7.

Title agreed to.

The hour of 11:50 A. M. having arrived, the Chief Clerk called the roll and all members were found present except Law and Schwartz.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock, noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present, except Meyer.

All the members of the House were found present, except Schwartz, Law and Higgins paired, as per the following agreement:

Mr. Speaker:

We, the undersigned, agree to pair on all votes cast for a United State Senator in Congress on Wednesday and Thursday, the 25th and 26th day of January, 1911.

(Signed:) B. B. LAW,
RONALD HIGGINS.

Mr. Prsident, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Muffly and Stout—8.

For W. G. Conrad—Cockrell and Gallwey—2.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For W. L. Holloway—Everett—1.

For Wm. Lindsay—McCone—1.

For G. E. Blackburn—Whiteside—1.

Total—27.

Absent and not voting—Meyer—1.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Whaley, Wheeler of Silver Bow, Woody and Word—22.

For W. G. Conrad—Alley, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Moore of Silver Bow, O'Flynn, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick and Williams—25.

For Paul McCormick—Bell and Vaughan—2.

For H. C. Smith—Jordan—1.

For G. E. Blackburn—Kammerer, Macdonald and Tuttle—3.

For C. N. Pray—Reser—1.

For Wm. Lindsay—Tolman—1.

Total—70.

Absent and not voting—Schwartz—1.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	30
For T. H. Carter	36
For W. G. Conrad	17
For G. E. Blackburn	4
For W. R. Allen	2
For Wm. Lindsay	2
For Paul McCormick	2
For T. M. Swindlehurst	1
For W. L. Holloway	1
For H. C. Smith	1
For C. N. Pray	1
Total	97
Absent and not voting, Meyer and Schwartz	2

Paired, Law and Higgins 2

Grand total 101

The President thereupon announced no election and on motion of Senator Donlan, the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the Chair.

O'Hern moved that when we go into Committee of the Whole this afternoon that House Bill No. 1 be first considered.

Upon roll call this motion was lost by the following vote:

Ayes—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Higgins, Johnson of Ravalli, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, McQuitty, Martin, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—37.

Noes—Alley, Bell, Bernard, Blake, Burt, Eliel, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Slayton, Stevens, Swick, Vaughan and Williams—27.

Absent and not voting—Crouch, English, Johnson of Lewis and Clark, Law, McNally, Moore of Silver Bow, Reser, Schwartz and Story —9.

Hewett moved that the House take a recess until 2:30 o'clock P. M.

Berry moved to amend motion to recess until 2:00 o'clock P. M.

Motion as amended prevailed and recess was taken at 12:30 o'clock P. M. until 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

On motion of Byrnes, the House resolved itself into a Committee of the Whole for the consideration of General Orders and all debates were limted to two minutes each for each person speaking.

Whaley in the chair.

House resumed.

Mr. Speaker in the chair.

Whaley from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 52, a Bill for an Act entitled, "An Act to prevent the seduction and prostitution of women and girls and providing punishment therefor and to prevent the receipt of money or other valuable thing without consideration from women engaged in prostitution and prescribing the punishment therefor and to repeal Sections 8341 and 8342 of the Revised Codes of 1907," having had same under consideration report

same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration House Bill No. 34, a Bill for an Act entitled, "An Act foridding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist and defining the duties of the State Board of Health with relation to foods and drugs, their inspection, purity and misbranding, constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals, and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled, to secure a license without cost from the State Board of Health, providing for a chemist to the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforceing the provisions of this Act, providing penalties for the violation of this Act, and repealing acts and parts of acts in conflict herewith, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 106, a bill for an Act entitled, "An Act to amend Section 9779 of the Revised Codes of 1907 designating the name of the Montana State Reform School to the Montana State Industrial School," recommend that it be referred to the Committee on Judiciary.

Also having had under consideration House Bill No. 132, a bill for an Act entitled, "An Act relating to coercing or compelling of persons not to join Labor Organizations or to cease membership in Labor Organizations and providing for a penalty for the violation of the Act," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Joint Memorial No. 1 for the establishment of Pleasure Parks on the Irrigation Districts now laid out and also naming Fort Shaw Military Post as one of such Parks, report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 84, a bill for an Act entitled, "An Act regulating and limiting the hours of employment for female employees and governing the conditions under which female employees shall work in certain industries, and providing penalties for violation thereof," report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 133, a bill for an "Act to appropriate money for certain repairs and improvements at the Montana School for the Deaf and Blind at Boulder, Montana," report same back to the House with the recommendation that it be

referred to the Judiciary Committee.

Also having had under consideration House Bill No. 50, a bill for an Act entitled, "An Act to forbid fishing at or within certain distances of Dams, Fish Ladders or State Spawning Stations and fixing the punishment for so doing," report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 97, a bill for an Act to amend Section 1736 of the Revised Codes of 1907, relating to hours of labor, report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 68, an Act authorizing the State Game and Fish Warden to appoint a Chief Deputy, defining his powers and duties and amending Section 1968 Revised Codes of 1907, relating to the compensation of Deputy Game and Fish Wardens, report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 171, a Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana relating to conditional sale and the filing of contract notes," report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 95, a bill for an Act entitled, "An Act defining the liability of persons or corporations operating any railroad in this state for injuries received by employees thereof or in consequence of the death of any such employee by reason of negligence and to declare void contracts restricting such liability," report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 120, a bill for an Act entitled, "An Act relating to and regulating the sale of convict-made goods within the confines of the State of Montana, requiring all persons or corporations selling convict-made goods to take out a license and providing a penalty for the violation of this Act, and for the disposal of such penalty," report same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 107, a bill for an Act entitled, "An Act relating to the liability of employers for injuries to their employees," report the same back to the House with the recommendation that it be referred to the Judiciary Committee.

Also having had under consideration House Bill No. 1, a bill for an Act entitled, "An Act to provide for Party Nominations by Direct Vote," report same back to the House with the recommendation that it do pass as amended.

Whaley moved that the report of the Committee of the Whole be adopted.

Wheeler of Silver Bow moved the following:

Mr. Speaker:

I move to adopt the report of the Committee of the Whole except so far as it refers to referring House Joint Memorial No. 1 and H. B.

84, 133, 50, 97, 68, 171, 95, 120 and 107 to the Judiciary Committee and move that those bills be placed on General files.

Eliel moved the following:

I move an amendment to the amendment that the report be segregated and that separate action be taken on H. B. No. 1.

Motion by Eliel lost.

Motion by Wheeler of Silver Bow carried.

Report of the Committee of the Whole as amended by Wheeler of Silver Bow adopted.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

We your Committee on Engrossment having had under consideration House Bill No. 1, report the same back correctly engrossed.

THIRD READING OF HOUSE BILLS.

House Bill No. 1, having been read three several times was passed by the following vote, after the following proceedure was taken:

On motion of Crouch and fifteen members seconding, a call of the House was had. The Chief Clerk thereupon called the roll and found all members present except Gillis, Law, Schwartz and Stevens.

Eliel moved that further proceedings under the call of the House be suspended.

Motion prevailed.

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—66.

Noes—Blake, Moore of Valley and Rodgers—3.

Absent and not voting—Gillis, Law, Schwartz and Stevens—4.

Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 86 and 170, beg leave to report same back to the House as correctly printed.

Also

Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 174 and 156, beg leave to report same back to the House as correctly printed.

Also

Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 127, 7, 163, and 58, beg leave to report same back to the House as correctly printed.

Also

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill 187, beg leave to report same back to the House as correctly printed.

Donohue moved that the House adjourn to meet tomorrow at 10:30 o'clock, A. M.

Berry moved as an amendment that the House adjourn to meet tomorrow at 9:30 o'clock A. M.

Amended motion of Berry prevailed and House adjourned at 5:40 o'clock P. M., to meet tomorrow morning at 9:30 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Twenty-Fifth Day.

Thursday, January 26, 1911.

House met pursuant to adjournment at 9:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Law.

On motion of Reel the Journal of the Twenty-fourth day as read was approved.

Mr. Speaker announced that he had added the following to standing committees:

Tolman to Committee on Highways.

Slayton to Committee on Banks and Banking.

NOTICES OF BILLS.

By Binnard: A Bill for an Act entitled, "An Act to amend Section 6741 of the Revised Codes of Montana, 1907, relating to challenges for cause."

By Roberts: A bill for an Act entitled, "An Act to provide for the payment of salaries to public administrators of the Counties of the first and second class, and to provide Attorneys fees to be fixed by the Court in certain administration cases."

By Bell: A Bill for an Act entitled, "An Act providing for the investment in bonds or warrants of any or all moneys in any sinking fund of any town, city or county within the State of Montana."

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Bell, H. B. No. 214: A Bill for an Act entitled, "An Act to

prevent drinking of intoxicating liquors upon passenger trains extending police power to conductors and prescribing penalties."

By Kirschwing, H. B. No. 215: A Bill for an Act entitled, "An Act to establish a Sub-Experimental Station in Chestnut Valley, in Cascade County, Montana, and providing for the acquisition of land for the same, and the direction thereof, and appropriating money therefor."

By Tolman, H. B. No. 216: A Bill for an Act entitled, "An Act providing for a method of organization of counties hereafter created, and describing the method thereof, and providing for the appointment of the necessary officers and persons for such organizations, and the duties of such officers, and the manner of the selection for appointment, and providing for the expenses thereof."

By Berry, H. B. No. 217: A Bill for an Act providing for the protection of forests and other lands from fire, prescribing the duties of the fire wardens, providing for the expenses thereof and prescribing penalties for the violation of this Act."

By Berry, H. B. No. 218: A Bill for an Act relating to the rights of the State of Montana in and to the waters of the State, including the beds of bodies of water, and relating to the use of water for power and other purposes."

By McNally, H. B. No. 219: A Bill for an Act entitled, "An Act to establish a State Hospital to be known as the "Montana State Tuberculosis Sanitorium" for the treatment of Tuberculosis and also what is commonly called Miner's Consumption, prescribing rules and regulations for the same, and making an appropriation therefor."

READING OF BILLS.

The following bills were taken from the files:

H. B. No. 214, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 215, read first and second times at length, and referred to Committee on State Institutions.

H. B. No. 216, read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 217, read first and second times by title only, and referred to Committee on State Lands.

H. B. No. 218, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 219, read first and second times at length, and referred to Committee on Labor.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills numbered 44, 51, having be read three several times and

concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills numbered 23, 24, 62 and 71, having been read three several times and passed, are herewith transmitted to the House for its Concurrnce.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction were this day given:

By Edwards: A Bill for an Act entitled, "An Act to amend Section 3003 and Section 3257 of the Revised Codes of Montana, relating to the Deposit and Control of Public Money in the possession of County Treasurers, and City Treasurers of Cities of the First Class and to provide for the payment of interest on deposits of public money and for the furnishing of Official Bonds by such officers."

By Whiteside: A Bill for an Act entitled: "An Act to regulate the disposition of Tide Lands belonging to the State."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 2 having been read first and second time and referred to Committee on Federal Relations.

House Substitute Bill No. 11, Substituting House Bill No. 11, having been read first and second time and referred to Committee on Stock Growing and Grazing.

House Bill No. 6, having been read first and second time and referred to Committee on Judiciary.

House Bill No. 24, having been read first and second time and referred to Committee on Judiciary.

House Bill No. 40, having been read first and second time and referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, January 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the following bills were this day introduced, read first and second time and referred:

Senate Bill No. 98, by Burlingame: A Bill for an Act entitled, "An Act to amend Section 3342 of the Revised Codes of Montana for 1907, relative to levy of taxes by municipalities and providing for a tax levy by municipalities of not exceeding two mills of the assessed valuation of taxable property in city or town for maintaining public parks." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 99, by Committee on Stock Growing and Grazing: A Bill for an Act entitled, "An Act providing for the prosecution of actions arising out of the conduct of the affairs of the State Board of Stock Commissioners, to appoint officers to make investigation and to institute and prosecute all proper actions." Referred to Committee on Stock Growing and Grazing.

Senate Bill No. 100, by Whiteside: A Bill for an Act to amend Section 1285 of the Revised Codes of the State of Montana, relating to the oath and bond of members of the Board of Managers of the Montana Soldiers' Home. Referred to Committee on Judiciary.

Senate Bill No. 101, by Whiteside: A Bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector." Referred to Committee on Judiciary.

Senate Bill No. 102, by Whiteside: A Bill for an Act entitled, "An Act to appropriate money for the extension and completion of the water system, and other improvements at the State Soldiers' Home, at Columbia Falls, Montana." Referred to Committee on Public Buildings.

Senate Bill No. 103, by Whiteside: A Bill for an Act entitled, "An Act to change and re-establish the boundary lines between Flathead, Lincoln and Sanders Counties." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 104, by McCarthy: A Bill for an Act entitled, "An Act to amend Sections 213 and 214 of the Revised Codes of Montana 1907, relating to the salaries and expenses of the State Examiner, his Assistants, Deputies and Clerks, and providing for the appointment of a deputy therefor." Referred to Committee on Finance and Claims.

Senate Bill No. 105, by Stout: A Bill for an Act entitled, "An Act to amend Section 15 and Section 16 of Article XII of the Constitution of the State of Montana, relating to Revenue and Taxation." Referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

Senate Bill No. 23, a Bill for an Act entitled, "An Act to provide for the construction of a Biological Station for the use of the Montana State University in Flathead County, Montana and to

appropriate money therefor," read first and second times at length, and referred to Committee on Waterways and Navigation.

Senate Bill No. 24, a Bill for an Act to provide for the payment of the expenses of District Judges incurred on account of holding Court in Counties other than the Counties where they reside, read first and second times by title only and referred to Committee on Judiciary.

Senate Bill No. 62, a Bill for an Act entitled, "An Act to amend Sections 5759, 5760 and 5763 of the Revised Codes of 1907 relating to Chattel Mortgages," read first and second times by title only and referred to Committee on Judiciary.

Senate Bill No. 71, a Bill for an Act entitled, "An Act to amend Sections 7362 and 7363 of the Codes of Montana for 1907, relative to change of name," read first and second times by title only and referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 34, having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Dell, Binnard, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, McQuitty, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Hern, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—52.

Noes—None.

Absent and not voting—Bernard, Berry, Blackburn, Blake, Donohue, Duffy of Silver Bow, English, Hayes, Hewett, Holter, Jacobson, Law, Macdonald, McMurry, McNally, Moore of Valley, O'Flynn, Owenhouse, Paul, Stevens, and Wheeler of Cascade—21.

Title agreed to.

Senate Bill No. 52, having been read three several times was concurred in as amended by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Story, Swick, Tolman, Tuttle Vaughan, Whaley, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—61.

Noes—None.

Absent and not voting—Blake, English, Gillis, Hewett, Kammerer, Law, O'Flynn, Owenhouse, Rodgers, Slayton, Stevens and Wheeler of Cascade—12.

Title agreed to.

On motion of Story, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Story in the chair.

House resumed.

Mr. Speaker in the chair.

Story from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Joint Memorial No. 1, for the establishment of pleasure parks on the irrigation districts now laid out and also naming Fort Shaw Military Posts as one of such parks, having had same under consideration, report same back to the House with the recommendation that it be referred to the Committee on Federal Relations.

Also having had under consideration House Bill No. 84, A Bill for an Act entitled, "An Act regulating and limiting the hours of employment for female employees, and governing the conditions under which female employees shall work in certain industries, and providing penalties for violation thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 133, A Bill for an Act to appropriate money for certain repairs and improvements at the Montana School for the Deaf and Blind at Boulder, Montana, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 50, A Bill for an Act entitled, "An Act to forbid fishing at or within certain distances of dams, fish ladders, or State Spawning Stations, and fixing the punishment for so doing," report same back to the House with the recommendation that it do pass as amended.

Report adopted.

No objecttion being offered, Mr. Speaker reverted back to the Sixth Order of Business.

MOTIONS AND RESOLUTIONS.

Gillis offered the following motion.

Mr. Speaker:

I move that the House extend a vote of thanks to Mr. W. W. Walsworth and the Anaconda Standard for their courtesy in furnishing every member of this body with a finely executed and handsomely mounted photograph of the members of this Assembly.

And I move further that the thanks of this Assembly be extended personally to Mr. Walsworth for the many courtesies extended to the members of this House as Dean of the newspaper correspondents, he having occupied his present position in every Legislative Assembly that has convened in this State for the last twenty years.

We are doubly fortunate in having Mr. Walsworth present for the reason that should the Chaplain at any time desire a leave of absence, Mr. Walsworth would be fully capable of looking after the moral welfare of this Assembly.

Although a few of us may not be Legislators twenty years from now, we sincerely hope that this Assembly and the Anaconda Standard will still be under obligations to Mr. Walsworth for brilliant services rendered at that time.

That as a further mark of appreciation Mr. Walsworth be granted the privilege of the floor at this time.

Motion unanimously adopted.

Mr. Walsworth addressed the House at this time and expressed his appreciation of the honor bestowed upon him in being granted the privilege of the floor.

No objection being offered, Mr. Speaker reverted back to the Second Order of Business.

NOTICES OF BILLS.

By Macdonald: A Bill for an Act entitled, "An Act creating a State Highway Department, and establishing a State Highway Commission and the office of State Highway Engineer; prescribing the duties of each and fixing the compensation of said State Highway Engineer; authorizing State aid for the establishment, construction, maintenance and repair of public highways; creating a fund and making appropriations therefor; and providing for application by the counties for State aid."

By Higgins: A Bill for an Act entitled, "An Act making the study of the United States Constitution, of the State of Montana and the Election Laws of the State of Montana, a requirement for a Degree in any Department in the University of Montana."

By Bernard: A Bill for an Act entitled, "An Act to authorize District Judges, Justices of the Peace, and Police Magistrates to suspend sentence upon conviction for first offense."

By Gray: A Bill for an Act entitled, "An Act to amend Section 8790 of the Revised Codes of Montana, 1907, relating to the killing and trapping of certain Wild Animals."

By Gray: A Bill entitled, "An Act to amend Section Two (2) of an Act to amend Sections 8782, 8783, 8784, 8786, and 8788 of the Revised Codes of Montana, 1907, relating to the protection and killing of wild game, and beaver, and preventing the sale of beaver skins, and providing for the violation of this Act."

By Ralston: A Bill for an Act entitled, "An Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number of members thereof."

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows. Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 71, a Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty Dollars $(250.00) for the payment of the deficiency claim of Dr. D. S. McKenzie, for services as Meat and Milk Inspector, in Chouteau County, from December 1st, 1904, to March 31st, 1905, inclusive," as correctly engrossed.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, January 26, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, the Senate has reconsidered the passage of Senate Bill 62, and has recalled the same from the House for further consideration.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

No objection being offered, Mr. Speaker directed that pursuant to foregoing request, Senate Bill No. 62 be returned to the Senate.

The hour of 11:50 o'clock A. M. having arrived, the Chief Clerk called the roll of the House and found all members present except Law.

No objection being offered, Mr. Speaker reverted back to the Fifth Order of Business.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

By Donohue, H. B. No. 220: A Bill for an Act entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain county and state officers in connection therewith, prescribing penalties, and repealing Sections 1045 to 1110, inclusive of the Revised Codes of Montana of 1907."

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except Meyer.

All the members of the House wer found present except Law and Higgins who were paired.

Mr. President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway Survant and Tooley—11

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCatrhy, Muffly, and Stout—8.

For W. G. Conrad—Cockrell and Gallwey—2.

For J. T. Stanford—Burlingame—1.
For T. M. Swindlehurst—Conrow—1.
For C. N. Pray—Everett—1.
For Wm. Lindsay—McCone—1.
For W. R. Allen—Sykes—1.
For G. E. Blackburn—Whiteside—1.
Total—27.
Absent and not voting—Meyer—1.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Crouch, Donohue, Johnson of Ravalli, Kammerer, Kirschwing, McMurry, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—24.

For W. G. Conrad—Alley, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Moore of Silver Bow, O'Flynn, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, and Williams—25.

For E. B. Camp—Bell and Vaughan—2.
For H. C. Smith—Jordan—1.
For G. E. Blackburn—Macdonald—1.
For C. N. Pray—Reser—1.
For R. R. Kilroy—Stevens—1.
For W. F. Meyer—Tolman—1.
Total—71.
Paired—Higgins and Law—2.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	32
For T. H. Carter	36
For W. G. Conrad	17
For C. N. Pray	2
For G. E. Blackburn	2
For E. B. Camp	2
For J. T. Stanford	1
For T. M. Swindlehurst	1
For Wm. Lindsay	1
For W. R. Allen	1
For H. C. Smith	1
For R. R. Kilroy	1
For W. F. Meyer	1
Total	98

Absent and not voting—Meyer 1
Paired—Law and Higgins 2

Grand Total 101

Mr. President thereupon announced no election, and on motion of Senator Donlan, the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Donohue, the House took a recess at 12:15 o'clock P. M. until 2:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:30 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Byrnes, H. B. No. 221: A Bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars."

By Woody, H. B. No. 222: A Bill for an Act entitled, "An Act to amend Section 2502 of the Revised Codes of Montana of 1907, relating to the assessment of property for taxation."

By Woody, H. B. No. 223: A Bill for an Act entitled, "An Act providing for the assessment of lands owned by counties and school districts, and situated within special improvement districts of cities or towns, and providing for the payment of such assessments."

By Gray, H. B. No. 224: A Bill for an Act entitled, "An Act to create the County of Lake, designate its boundaries, and provide for its organization and government, and to change the boundaries of Flathead, Missoula and Sanders Counties to conform thereto."

By Baker, H. B. No. 225: A Bill for an Act entitled, "An Act appropriating Money for the purchase of the George C. Swallow Library, and authorizing and empowering the President of the University of Montana to purchase said Library for said University."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 220, read first and second times by title only, and referred to Committee on Military Affairs.

H. B. No. 221, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 222, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 223, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 224, read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 225, read first and second times at length and referred to Committee on Libraries.

No objection being offered, Mr. Speaker reverted back to the Third Order of Business.

REPORT OF SELECT COMMITTEES.

O'Flynn from the Committee on Arrangement of Schedule of Committee Meetings, reported as follows:

Judiciary Committee—(Wheeler).

Will meet on Monday, Wednesday and Friday of each week, at 7:30 P. M., at the office of Walsh & Nolan, or at such place as the Chairman may designate.

Ways and Means Committee—(Word).

Will meet on Monday of each week at 5:00 P. M.

Appropriations Committee—(Blackburn).

Will meet on Tuesday, Thursday, and Saturday of each week at 8:00 P. M., at Montana Club.

State Institutions Committee—(Nolan).

Will meet on Tuesday and Thursday of each week at 5:00 P. M.

Banks and Banking Committee—(Kammerer).

Will meet Tuesday and Thursday of each week at 5:00 P. M.

New Counties and Divisions—(Hayes).

Will meet every evening at 5:00 P. M.

Insurance Committee—(O'Flynn).

Will meet on Tuesday and Friday of each week at 7:15 P. M., at the Montana Club.

Apportionment and Representation Committee—(Dobell).

Will meet on Monday, Wednesday and Friday of each week at 1:00 P. M.

Mines and Mining Committee—(Duffy).

Will meet on Tuesday of each week at 5:00 P. M.

Highhways Committee—(Bragy).

Will meet at the Grandon Hotel on Sunday of each week at 2:00 P. M.

The Chairman of the various committees will confer a favor by reporting what hour and day would be desirable to them.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report that House Bill No. 132, introduced by Hayes, a Bill for an Act entitled, "An Act relating to coercing or compelling of persons not to join Labor Organizations or to cease membership in Labor Organizations, and providing for a penalty for the violation of this Act," and House Bill No. 84, introduced by McNally, a bill for an Act entitled, "An Act regulating and limiting the hours of employment for female employees, and governing the conditions under which female employees shall work, in certain industries, and providing penalties for violation

thereof," and House Bill No. 133 introduced by Tuttle, a Bill for an Act entitled, "An Act to appropriate money for certain repairs and improvements at the Montana School for the Deaf and Blind at Boulder, Montana," as correctly engrossed.

Also

Grubb from the Committee on Libraries reported as follows:

Mr. Speaker:

Your Committee on Libraries having had under consideration House Bill No. 126, introduced by Grubb, being entitled, "A Bill for an Act to amend Section 1029 of the Laws of Montana of 1909, relating to Pioneer Day," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Mr. Speaker at this time announced that he was about to sign Senate Bill No. 21, a Bill for an Act to amend Section 292 of the Revised Codes of Montana, 1907, relating to salaries of Judges of the District Court," and signed same in the presence of the House.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 26, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notice of the Introduction of a Bill was this day given:

By Leary: A Bill for an Act entitled, "An Act to create the County of Marias, designate its boundaries, and provide for its organization and government.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 26, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 1, was this day read first and second time and referred to Committee on Elections and Privileges.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

THIRD READING OF HOUSE BILLS.

House Bill No. 71 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Hern, Paul, Ralston, Reel, Reser, Roberts,

Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tuttle, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker —62.

Noes—Ebert and Wheeler of Silver Bow—2.

Absent and not voting—Dobell, Donohue, Law, McQuitty, Nelson, O'Flynn, Owenhouse, Tolman and Whaley—9.

Title agreed to.

On motion of Duffy of Granite, H. B. No. 132 was re-committed to the Committee on Engrossment for correction.

House Bill No. 84 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—62.

Noes—None.

Absent and not voting—Donohue, Eliel, Gillis, Herbold, Law, McQuitty, Nelson, Rodgers, Stevens, Tuttle and Williams—11.

Title agreed to.

House Bill No. 133, having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, Macdonald, McMurray, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—58.

Noes—None.

Absent and not voting—Alley, Bernard, Berry, Blackburn, Dobell, Donohue, Eliel, Gillis, Herbold, Law, Martin, Nelson, Rodgers, Stevens and Wheeler of Silver Bow—15.

Title agreed to.

On motion of Hewett, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Hewett in the chair.

House resumed.

Speaker pro tem in the chair.

Hewett from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 97, a Bill for an Act entitled, "An Act to amend Section 1736 of the Revised Codes of 1907, relating to Hours of Labor," having had same under consideration report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 68, "An Act authorizing the State Game and Fish Warden to appoint a Chief Deputy, defining his powers and duties; and amending Section 1968, Revised Codes of 1907, relating to the compensation of Deputy State Game and Fish Wardens," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 171, a Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana relating to conditional sale and the filing of Contract Notes," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 95, a Bill for an Act entitled, "An Act defining the liability of persons or corporations operating any Railroad in this State for injuries received by employees thereof, or in consequence of the death of any such employee by reason of negligence and to declare void, contracts restricting such liability," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 120, a Bill for an Act entitled, "An Act relating to, and regulating the sale of convict-made goods within the State of Montana, requiring all persons or corporations selling or offering for sale, convict-made goods to take out a license, and providing a penalty for the violation of this Act, and for the disposal of such penalty," report same back to the House with the recommendation that same do pass as amended.

Also having had under consideration House Bill No. 107, A Bill for an Act entitled, "An Act relating to the liaility of employers for injuries to their employees," report same back to the House with the recommendation that same do pass.

Report of the Committee of the Whole adopted.

On motion of Donohue, the House adjourned at 5:00 o'clock P. M. to meet tomorrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Twenty-Sixth Day.

Friday, January 27, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Alley, Holt and Law.

On motion of Jordan, the Journal of the Twenty-fifty Day as read was approved.

NOTICES OF BILLS.

By Paul: A Bill for an Act entitled, "An Act to provide for the alteration of the boundaries of incorporated towns and cities by annexation of uninhabited territory thereto, and for incorporation of such annexed territory in and as a part of such municipality and for districting, government, and municipal control of the annexed territory."

By Paul: A Bill for an Act entitled, "An Act appropriatnig money for the payment to the estate of James O'Donnell, deceased, of the sum of $165.40 turned into the treasury of the State of Montana, through error by the Board of Commissioners for the Insane."

By Whaley: A Bill for an Act entitled, "A Bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of water rights from the streams of this State."

By Blackburn: An Act to amend an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same, "which Act was approved on March 5th, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalties for the breach of the same."

By Moore of Valley: A Bill for an Act entitled, "An Act to establish a Sub-Experimental Station in Valley County, Montana, and providing for the acquisition of land for the same, and the direction thereof, and appropriating money therefor."

REPORTS OF STANDING COMMITTEES.

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Substitute for House Bill No. 16, introduced by Byrnes, a Bill for an Act to

provide for the issue and sale, by the State Board of Examiners, of bonds for the purpose of acquiring additional lands for use as State capitol Grounds in the City of Helena, Montana, having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass, with the following amendment:

Strike out the first two paragraphs of Section 1 and insert in lieu thereof, the following:

Section 1. That the State Board of Examiners of the State of Montana be, and they are hereby authorized to issue and dispose of bonds for the purpose of acquiring lands in the City of Helena, Montana, to be used as a part of the State Capitol Grounds under the following conditions and restrictions, to-wit:

First, the aggregate amount of bonds authorized by this Act shall not exceed the sum of One Hundred Thousand Dollars.

Report adopted.

Also

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 28, an Act entitled, "An Act appropriating money for the payment to Conley & McTague Company of the amount due it for property belonging to it within the Prison Walls and adjacent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana," having had the same under oonsideration, beg leave to report the same back to the House with the recommendation that it do pass, with the following amendment:

Section 1. In line three thereof the words "Forty thousand ($40,000.00) Dollars" be stricken out and insert in lieu thereof the words "Thirty Thousand ($30,000.00) Dollars;" that in line four of said section the words "Twenty Thousand ($20,000.00) Dollars" be stricken out, and insert in lieu thereof the words "Thirty Thousand ($30,000.00) Dollars."

Report adopted.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Roberts, H. B. No. 226: A Bill for an Act entitled, "An Act to provide for the payment of salaries to public administrators of the Counties of the first and second class, and to provide Attorneys fees to be fixed by the Court in certain administration cases."

By Ralston, H. B. No. 227: A Bill for an Act entitled, "An Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana, and to fix the number of members thereof."

By Berry, H. B. No. 288: A Bill for an Act to amend Sections 8, 10, 22, 23, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909. An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof and the management, protection and disposition of the timber growing thereon, and the coal, oil and minerals therein; provided for the management and control of the funds realized from the sale and rental of State lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners, and prescribing their duties and compensation; providing for the acquisition of water-rights for use upon State lands; and defining and providing for the punshment of certain offenses for violating the provisions of this Act."

By Berry, H. B. No. 229: A Bill for an Act entitled, "An Act to cede certain school lands to the United States in lieu of other lands, and providing for the selection of the lieu lands."

By Burt, H. B. No. 230: A Bill for an Act entitled, "An Act to amend Section 5761 of the Revised Codes of 1907, relating to the filing of mortgages of personal property, and the duties of the County Clerk in relation thereto."

By Gray, H. B. No. 231: A Bill for an Act entitled, "An Act to amend Section 8790 of the Revised Codes of Montana, 1907, relating to the killing and trapping of certain wild animals."

By Bell, H. B. No. 232: A Bill for an Act entitled, "An Act providing for the investment in bonds or warrants of any or all moneys in any sinking fund of any town, city or county within the State of Montana."

READING OF SENATE BILLS.

S. B. No. 5, a Bill for an Act entitled, "An Act to increase the membership of the Montana State Fish Commission, and to provide for the construction of a Fish Hatchery for the propagatoin of food fish and other fish in Flathead County, Montana, and to appropriate money therefor," read first and second times at length and referred to Committee on Fish and Game.

S. B. No. 12, a Bill for an Act entitled, "An Act to amend Section 8787 of the Revised Codes of 1907 as amended by Chapter 81, Laws of 1909, relative to the season for shooting Grouse, Prairie Chicken, Pheasant, Partridge, Fool or Sage Hens," read first and second times by title only, and referred to Committee on Fish and Game.

S. B. No. 47, a Bill for an Act to amend Paragraph Three of Section 899, Revised Codes of 1907, relating to taking the School Census and providing penalties, read first and second times by title only, and referred to Committee on Education.

S. B. No. 60, a Bill for an Act entitled, "An Act to authorize the State Board of Examiners of Montana to prepare and have indexed, printed and bound, copies of the debates and proceedings of the Constitutional Convention of the State of Montana and to provide for the

distribution of the same and providing an appropriation therefor," read first and second times at length, and referred to Committee on State Boards and Officers.

S. B. No. 61, a Bill for an Act entitled, "An Act appropriating money for the payment of the Anaconda Copper Mining Company for labor and material furnished in connection with the construction and maintenance of the State Fish Hatchery at Anaconda, Montana," read first and second times at length and referred to Committee on Fish and Game.

S. B. No. 26, a Bill for an Act to appropriate money to pay the cost of Farmers Institute work in the State of Montana, read first and second times at length and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 28, a Bill for an Act entitled, "An Act to prohibit and regulate the issuance of reduced or free transportation by common carriers and providing penalties for violation thereof," read first and second times by title only, and referred to Committee on Railroads and Transportation.

S. B. No. 54, a Bill for an Act to create the office of State Sealer of Weights and Measures and providing the duties and powers relative to the inspection and sealing of Weights and Measures, and providing penalties for the viloation thereof," read first and second times by title only, and referred to Committee on State Boards and Officers.

S. B. No. 64, a Bill for an Act entitled, "An Act to amend Section 8792, relating to catching of Fish," read first and second times by title only, and referred to Committee on Fish and Game.

READING OF HOUSE JOINT MEMORIALS.

H. J. M. No. 5, a Petition to Congress to restore to entry, Township 7 S. Range 25 E. M. P. M., withdrawn under Act of June 17th, 1902, for the Shoshone Irrigation Project, read first and second times by title only, and referred to Committee on Federal Relations.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 19, beg leave to report same back to the House as correctly printed.

READING OF BILLS.

The following bills wer taken from the file:

H. B. No. 226, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 227, read first and second times by title only, and referred to Committee on Apportionment and Representation.

H. B. No. 228, read first and second times by title only, and referred to Committee on State Lands.

H. B. No. 229, read first and second times by title only, and referred to Committee on State Lands.

H. B. No. 230, read first and second times by title only and referred to Committee on Judiciary.

H. B. No. 231, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 232, read first and second times by title only, and referred to Committee on Townships and Counties.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 26, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 8, having been read three several times and passed, are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Helena, Montana, January 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion, the recall of Senate Bill No. 28 has this day been asked for, for further consideration, and I am instructed to request its return.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

On motion of Eliel the House resolved itself into a Committee of the Whole for the consideration of General Orders and that debates be limited to five minutes for each speaker.

GENERAL ORDERS.

Word in the chair.

House resumed.

Mr. Speaker in the chair.

Word from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 47, a bill for an Act entitled, "An Act to amend Section 6385 of the Revised Codes of Montana relating to the right to practice law in the Courts of this State," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 12, a Bill or an Act entitled, "An Act to provide for the designation of temporary County Seats and for the location of permanent County Seats in new Counties or in Counties in which the permanent county Seat has not been located," report same back to the House with the recommendation that it be placed at the bottom of General Orders as it exists at this time to follow H. B. No. 19.

Also having had under consideration House Bill No. 170, a bill for an Act entitled, "An Act to amend Section 6658 of the Revised Codes of Montana relating to attachments," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 86, a Bill for an Act entitled, "An Act defining and relating to Wage Brokers; regulating assignment of wages and salaries as security for loans and fixing a maximum rate of interest for loans upon wages and salaries and providing penalties for violation thereof," report same back to the House with the recommendation that it do pass as amended by the Standing Committee of the House.

Also having had under consideration House Bill No. 174, a Bill for an Act entitled, "An Act to regulate the discharge of firing of fireworks and other pyrotechnics," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 156, a Bill for an Act entitled, "An Act providing that a recorded mark or brand upon an animal shall be prima facie evidence of the ownership of such animal," report the same back to the House with the recommendation that the same do pass.

Also having had under consideration House Bill No. 127, a Bill for an Act to amend Section 2055 of the Revised Codes of Montana relative to the care and maintenance of indigent poor and sick and infirm, report same back to the House with the recommendation that it do pass as amended.

Report of the Committee of the Whole adopted.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 87, 117, 91, 96, 160, 99, 153, 118, 57, 175, 181, 147, 179 and Substitutes for House Bills Nos. 38 and 41, beg leave to report same back to the House as correctly printed.

No objection being offered, Mr. Speaker reverted back to the fourth order of business.

REPORTS OF STANDING COMMITTEES.

Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 166, a Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Live Stock Sanitary Board during January and February, 1911," beg leave to recommend that the Bill do pass.

Report adopted.

Also

Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election having had under consideration House Bill No. 111, introduced by Duffy of Granite, a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Article

IX of the Constitution of the State of Montana by adding a new clause to be numbered Section 14 of said Article, providing for the recall of public officers," beg leave to recommend that it do pass.

Report adopted.

Also

Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election having had under consideration Senate Joint Resolution No. 1, introduced by Meyer January 3, 1911, relative to election of United States Senators by popular vote, beg leave to recommend that it be concurred in.

Report adopted.

Also

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 50, introduced by Vaughan, a Bill for an Act entitled, "An Act to forbid fishing at or within certain distances of Dams, Fish Ladders, or State Spawning Stations, and fixing the punishment for so doing," and

House Bill No. 34, introduced by Donohue, a Bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health with relation to food and drugs, their inspection, purity and misbranding; constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to secure a license, without cost, from the State Board of Health, providing for a chemist to the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of this Act, and repealing Acts and parts of Acts in conflict herewith," and

House Bill No. 97 introduced by P. J. Duffy of Silver Bow, being a Bill for an Act to amend Section 1736 of the Revised Codes of 1907, relating to the hours of labor, as being correctly engrossed.

The hour of 11:50 o'clock A. M. having arrived, the Chief Clerk called the roll of the House and found all members present except Alley, Holt and Law.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found presnet except Meyer.

All the members of the House were found present except the following who were paired: Law and Higgins, Alley and Stevens, Holt and McMurray.

Mr. President, finding a quorum of both sides present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, and Stout—7.

For W. G. Conrad—Cockrell and Gallwey—2.

For H. H. Parsons—Burlingame—1.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—Everett and Sykes—2.

For H. J. Haskell—McCone—1.

For R. R. Purcell—Muffly—1.

For C. B. Nolan—Whiteside—1.

Total—27.

Absent and not voting—Meyer—1.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kammerer, Kirschwing, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Ward—22.

For W. G. Conrad—Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Macdonald, O'Flynn, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bernard, Blake, Burt, Eliel, Gray, Grubb, Hewett, Hickey, Holter, Jacobson, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, and Swick—23.

For H. H. Parsons—Bell, Tolman and Vaughan—3.

For W. W. Harper—English—1.

For H. C. Smith—Jordan—1.

For G. W. Donohue—Moore of Silver Bow—1.
For W. B. Rodgers—Williams—1.
Total—67.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	29
For T. H. Carter	34
For W. G. Conrad	17
For H. H. Parsons	4
For W. R. Allen	2
For T. M. Swindlehurst	1
For H. J. Haskell	1
For R. R. Purcell	1
For C. B. Nolan	1
For W. W. Harper	1
For H. C. Smith	1
For G. W. Donohue	1
For W. B. Rodgers	1
Total	94
Absent—Meyer	1
Paired:—	
Law-Higgins,	
Alley-Stevens,	
Holt-McMurray	6
Grand Total	101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Hewett, the House took a recess at 12:20 o'clock P. M., to meet at 2:00 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.
Mr. Speaker in the chair.
Roll called. Quorum present.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Butte Miners' Union:

Butte, Montana, Jan. 25th, 1911.

To the Speaker of the House,
Helena, Montana,

Dear Sir:

At our regular meeting last night we were instructed to notify you

that no member of the Butte Miners' Union without credentials signed by the officers of this Union and seal of this Union attached will be recognized as representing the Butte Miners' Union and cannot give evidence before any committee as representing this Union.

DAN D. SULLIVAN, President,
JOHN VICKERS, Recording Secretary.

(Official Seal).

Butte Miners' Union No. 1, W. F. of M.

This communication was referred to Committee on Mines and Mining.

NOTICE OF BILLS.

By Kirschwing: A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of J. H. Calderhead and O. M. Holmes for the publication and distribution of fifty thousand copies of a supplemental edition of the Seventh Report of the Bureau of Agriculture, Labor and Industry."

By Reel: A Bill for an Act entitled, "An Act to amend Sections 3178 and 3180 of the Revised Codes of Montana, 1907, relating to the per diem and mileage of jurors in Courts of Record."

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 137, 122, 88, and 81, beg leave to report same back to the House as correctly printed.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report that House Bill No. 107, introduced by Wheeler of Silver Bow, a bill for an Act entitled, "An Act relating to the liability of employers for injuries to their employees," and

House Bill No. 171, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana relating to conditional sale and the filing of Contract Notes," as being correctly engrossed.

Also

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report that House Bill No. 95, introduced by Hayes, a Bill for an Act entitled, "An Act defining the liability of persons or corporations operating any railroad in this State for injuries received by employees thereof, or in consequence of the death of any such employee, by reason of negligence and to declare void contracts restricting such liability," and

House Bill No. 68, introduced by Duffy of Granite, "An Act authorizing the State Game and Fish Warden to appoint a Chief Deputy, defining his powers and duties; and amending Section 1968, Revised

Codes of 1907, relating to the compensation of Deputy State Game and Fish Wardens," and

House Bill No. 132, introduced by Hayes, a Bill for an Act entitled, "An Act relating to coercing or compelling of persons not to join Labor Organizations or to cease membership in Labor Organizations, and providing for a penalty for the violation of this Act," as being correctly engrossed.

Also

O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance, to which Senate Bill No. 44 was referred, after having same under consideration, respectfully recommend that same be concurred in.

Report adopted.

Also

Duffy of Granite from the Committee on House Employees reported as follows:

Mr. Speaker:

We your Committee on House Employees beg leave to recommend that the salary of the Reading Clerk to the House, Mr. Charles Z. Pond, be raised from $6.00 to $8.00 per day to take effect from the first day of the session, and also that the name of Mrs. Nell Gilmore be added to the list on enrollment.

Report adopted.

Also

Duffy of Granite from the Committee on House Employees reported as follows:

Mr. Speaker:

Your Committee on House Employees beg leave to report that inasmuch as there has been some question raised by one or two members of this House in relation to the competency of the Committee Clerks, we respectfully ask that the Chairman of any committee who has an incompetent clerk, report the same to the Committee on House Employees, and recommend a substitute for such incompetent clerk.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of Bills were this day given:

By Muffly: A Bill for an Act prescribing the time within which all persons, associations, companies, and corporations engaged in purchasing, smelting, milling, reducing and preparing ores for market shall make settlement and payments to the consignors thereof, and prescribing penalties for the violation of such act.

By Christopher: A Bill for an Act entitled, "An Act to legalize all warrants of counties issued and all bonds of counties issued or sold

for the purpose of paying for the construction of Public Highways and Public Highway Bridges."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the following bills were this day introduced, read first and second time and referred:

Senate Bill No. 106, By Selway: A Bill for an Act entitled, "An Act to pay the increase of salary of the Second Assistant State Examiner as provided for by appropriation." Referred to Committee on Finance and Claims.

Senate Bill No. 107, By Donlan: A Bill for an Act entitled, "An Act to provide for the issue and sale by the State Board of Examiners of Additional Bonds for the purpose of refacing the State Capitol Building to conform to the wings to said State Capitol Building, and to provide for the refacing of said State Capitol Building under the authority and direction of the said State Board of Examiners." Referred to Committee on Finance and Claims.

Senate Bill No. 108, By Tooley: A Bill for an Act entitled, "An Act to amend Section 1092 of the Revised Codes of 1907, relating to the duties, powers and compensation of the Adjutant General of the State of Montana." Referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bill No. 71, was this day read first and second times and referred to Committee on Finance and Claims.

Also House Bill No. 133, was this day read first and second times and referred to Committee on Finance and Claims; and,

House Bill No. 84, having been read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Joint Resolution No. 2, and House Bill No. 24, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, Senate Bills Nos. 16, 25, 48, 55 and 70, having been read three several times and passed are herewith transmitted to the House for concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 16, a Bill for an Act entitled, "An Act to regulate the sale of goods, wares and merchandise within the State of Montana, known as prison-made goods," read first and second times by title only, and referred to Committee on Labor.

S. B. No. 25, a Bill for an Act entitled, "An Act to amend Section 288 of the Revised Codes of 1907 concerning free public employment offices in cities," read first and second times by title only, and referred to Committee on Affairs of Cities.

S. B. No. 48, a Bill for an Act entitled, "An Act defining the powers and duties of the Register of State Lands, and fixing his bond; creating the office of Receiver for State Lands, providing for his appointment, fixing his salary, and defining his powers and duties; providing that the State Board of Land Commissioners shall have power to appoint a clerk and such other office force as may be necessary, and repealing Section XXIIX of Chapter 147, Laws of the Eleventh Legislative Assembly of the State of Monutana relating to the management and control of State Lands," read first and second times by title only, and referred to Committee on State Boards and Officers.

S. B. No. 70, a bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Penitentiary," read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 55, a Bill for an Act entitled, "An Act changing and defining the boundaries of Beaverhead and Madison Counties," read first and second times by title only and referred to Committee on New Counties and Divisions.

On motion of O'Hern the House resolved itself into a Committee of the Whole for the consideration of General Orders.

On motion of Donohue, debate was limited to two minutes for each member speaking.

GENERAL ORDERS.

O'Hern in the chair.

House resumed.

Mr. Speaker in the chair.

O'Hern from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill

No. 7, a Bill for an Act entitled, "An Act to provide for the taxation of mortgages," beg leave to report as follows:

Having had same under consideration report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 163, a Bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of same," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 58, a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 3 of Article XII of the Constitution of the State of Montana relating to revenue and the taxation of mines," report same back to the House with the recommendation that it do not pass.

Also having had under consideration House Bill No. 187, a Bill for an Act entitled, "An Act making it the duty of every Board of County Commissioners to supply each Justice of the Peace within the county with a copy of the Revised Codes of Montana, 1907, and the Session Laws enacted by subsequent Legislative Assemblies and also a Docket," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 19, a Bill for an Act entitled, "An Act to provide for the payment of employees semi-monthly and to prevent the assignment of wages by an employee to defeat the purposes of the act and providing a penalty for the violation hereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 87, a Bill for an Act entitled, "An Act relating to qualifications of teachers and the granting of teachers certificates to graduates of the University of Montana," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 117, a Bill for an Act entitled, "An Act to amend Section 3531 of the Revised Codes of Montana relating to Townsites," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 96, a Bill for an Act entitled, "An Act to create and establish a Law School at Missoula to be connected and operated as a department of the University of Montana, to provide a name and to make an appropriation therefor," report same back to the House with the recommendation that it do pass as amended.

O'Hern moved that the report of the Committee of the Whole be adopted.

Woody moved as an amendment that the report of the Committee of the Whole be adopted except as to House Bill No. 58, which

shall be segregated.

On motion of Woody, roll call was had on the amendment which same was lost by the following vote:

Ayes—Baker, Bell, Bernard, Berry, Brady, Burt, Donohue, Ebert, Gray, Grubb, Hayes, Higgins, Jacobson, McMurry, McQuitty, Nolan, O'Hern, Owenhouse, Paul, Reser, Tolman, Vaughan, Whaley, Wheeler of Cascade and Woody—25.

Noes—Asbridge, Binnard, Blackburn, Blake, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Hickey, Holter, Johnson of Lewis and Clark, Jordan, Lissner, Macdonald, McNally, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick, Tuttle, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—34.

Absent and not voting—Alley, Eliel, Herbold, Hewett, Holt, Johnson of Ravalli, Kammerer, Kirschwing, Law, Martin, Nelson, Ralston, Reel and Schwartz—14.

Original motion of O'Hern that the report of the Committee of the Whole be adopted, prevailed.

On motion of Donohue, the House adjourned at 4:15 o'clock P. M. to meet tomorrow at 10 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Twenty-Seventh Day.

Saturday, January 28, 1911.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Eliel, Holt, Kammerer, Law, McMurray and Reel.

On motion of Tuttle, the Journal of the Twenty-sixth Day as read was approved.

NOTICES OF BILLS.

By Macdonald: A Bill for an Act entitled, "An Act to amend Section 1664 of the Revised Codes of Montana, as amended by Section 2 of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection."

By Jacobson: A Bill for an Act entitled, "An Act for the submission to the qualified Electors of the State of Montana, of an amendment to Section Two, of Article Five of the Constitution of the State of Montana, relating to the term for which Senators and Representatives shall be elected."

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 120, introduced by Wheeler of Silver Bow, a bill for an Act entitled, "An Act relating to, and regulating the sale of convict-made goods within the confines of the State of Montana, requiring all persons or corporations selling or offering to sell convict-made goods to take out a license, and providing a penalty for the violation of this act, and for the disposal of such penalty;" and

House Bill No. 174, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act to regulate the discharge or firing of fireworks and other pyrotechnics;" and

House Bill No. 86, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act defining and relating to wage brokers; regulating assignment of wages and salaries as security for loans and fixing a maximum rate of interest for loans upon wages and salaries and providing penalties for violation thereof:" and

House Bill No. 156, introduced by Tolman, a Bill for an Act enttitled, "An Act providing that a recorded mark or brand upon an animal shall be prima facie evidence of the ownership of such animal;" and

House Bill No. 170, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 6658 of the Revised Codes of Montana, relating to attachments;" and

House Bill No. 47, introduced by Nolan, a Bill for an Act entitled, "An Act to amend Section 6385 of the Revised Codes of Montana, relating to the right to practice law in the Courts of this State;" and

House Bill No. 127, introduced by Macdonald, a Bill for an Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent, poor, sick and infirm," as being properly engrossed.

Also Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 67 and Substitute for House Bill No. 22, beg leave to report same back to the House as correctly printed.

Also, Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 78, 105 and 126, beg leave to report back to the House as correctly printed.

Also Berry from the Committee on State Lands reported as follows: Mr. Speaker:

Your Committee on State Lands having had under consideration House Bill No. 229, being a bill for an Act entitled, "An Act to cede certain school lands to the United States in lieu of other lands, and

providing for the selection of the lieu lands," recommend that the bill do pass.

Report adopted.

Also Berry from the Committee on State Lands reported as follows:
Mr. Speaker:

Your Committee on State Lands having had under consideration House Bill No. 217, being a bill for an Act entitled, "An Act providing for the protection of forests and other lands from fire, prescribing the duties of Fire Wardens, providing for the expense thereof and prescribing penalties for the violation of this Act," recommend that the bill do pass.

Report adopted.

Also Berry from the Committee on State Lands reported as follows:
Mr. Speaker:

Your Committee on State Lands having had under consideration House Bill No. 228, being a Bill for an Act entitled, "An Act to amend Sections 8, 10, 22, 23, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909. An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection and disposition of the timber growing thereon and the coal, oil and minerals therein; provided for the management and control of the funds realized from the sale and rental of State lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for the use upon State lands; and defining and providing for the punishment of certain offenses for violating the provisions of this Act," recommend that the bill do pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:
Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 208, entitled, "An Act appropriating money to pay W. L. Faulkner, J. E. Cundney, John Stuckie, W. O. Bohart, F. N. Foerchler, W. J. Crittenden, E. H. Davison and J. E. Donahue, for certain live stock slaughtered by the State Veterinarian and Deputy Veterinarian in the years 1908 and 1909," beg leave to report the bill back to the House without recommendation.

Report adopted.

On motion of Story, all reports of bills where these bills carry an appropriation and not reported unfavorably by the different Committees, shall go automatically to the Appropriation Committee.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:
Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 198, entitled, "An Act to regulate the prac-

tice of Veterinary Medicine and Surgery in the State of Montana; and to establish a Board of Examiners in Veterinary Medicine and Surgery; and to define offenses committeed contrary to the provisions of this Act; and providing penalties for the violation thereof,' would respectfully recommend that the bill do pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was submitted House Bill No. 116, entitled, "An Act to establish a State Laboratory at the Montana Agricultural Experiment Station; and to define the aim and scope of the work to be performed, and provide for the administration, and to make appropriation for the establishment and maintenance thereof," beg leave to present herewith a substitute for said House Bill No. 116, and would respectfully recommend that the Substitute Bill do pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 139, entitled, "An Act to provide for the districting of the State of Montana; the appointment of four additional Deputy State Veterinary Surgeons: defining their qualifications, duties and compensation; providing for the testing of Bovine Animals, their quarantine, destruction and disposition under the general supervision of the Live Stock Board," beg leave to present herewith a substitute for said House Bill No. 139, and would respectfully recommend that the substitute bill do pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 199, entitled, "An Act for the payment of interest by the State on bounty claims presented and unpaid and appropriating money therefor," would respectfully recommend that the bill do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs to whom was referred House Bill No. 112, introduced by Jordan, being a bill for an Act entitled, "An Act to amend Section 1500 Revised Codes of Montana, 1907, defining the term "Communicable Disease," having had same under consideration beg leave to report back to the House that the same do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs, to whom was referred House Bill No. 115, introduced by Jordan, being a bill for an Act entitled, "An Act to amend Section 1144 of the Revised Codes of 1907, and to provide for the payment of fees and mileage of physicians in insanity examinations," having had same under consideration beg leave to report same back to the House with the following amendments:

Amend Section 1144, line five, by inserting after the word "therefrom" the words "to be paid by the County Treasurer of the County where the examination was had on the order of the Board of County Commissioners," and with the foregoing amendment recommend that the bill do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs, to whom was referred House Bill No. 128, introduced by Donohue, being a Bill for an Act entitled, "An Act to amend Section 1502, Revised Codes of Montana, 1907, relating to reporting communicable diseases," after having had same under consideration beg leave to report same back to the House with the following amendments:

That the title "Duty of Physicians" be stricken out and the words "Reporting of Communicable Diseases" be inserted in lieu thereof.

That the word "he" after the word "person" in line 1, Section 1502, be stricken out and the word "who" be inserted in lieu thereof; and with the foregoing amendments beg leave to recommend that the bill do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs to whom was referred House Bill No. 42, introduced by Whaley, being a Bill for an Act entitled, "An Act regulating the manufacture and sale of butter and other dairy products and the development of said industry in the State of Montana, and providing penalties for the violation thereof,' after having had same under consideration recommend that the same be referred to the Committee on Dairying.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs, to whom was referred House Bill No. 178, introduced by Blackburn, being a bill for an Act

entitled, "An Act to amend Section 1578 of the Revised Codes of the State of Montana, relating to the practice of Medicine," after having same under consideration beg leave to report same back to the House with the following amendments:

Amend Section one, page 2, line 18, by striking out the words "other State Board," by inserting in lieu theroef the words "the State of Washington, Idaho, Oregon, Nevada, Colorado, Utah, California, Arizona and New Mexico."

Amend Section one, line 20, by striking out the word "Board" and inserting in lieu thereof the word "States."

Amend Section one, line 22, by striking out the word "Board" and inserting in lieu thereof the word "State" and with the foregoing amendments recommend that the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 213, introduced by Alley, "A bill for an Act to amend Section 8582 of the Revised Codes of Montana of 1907, relating to carrying concealed weapons in cities or towns," having had same under consideration, beg leave to report a substitute measure for said bill entitled, "Substitute for House Bill No. 213, introduced by Alley, a Bill for an Act to amend Section 8582 of the Revised Codes of Montana of 1907, relating to carrying concealed weapons in cities or towns," and recommend that said substitute bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 13, introduced by McNally, a Bill for an Act in aid of the disability fund of fire departments in incorporated cities for the relief of sick, injured and retired firemen and the pensioning of the widows and orphans of deceased firemen and appropriating to said fund certain portions of the license derived by the State from fire insurance companies doing business within this State," having had said Bill under consideration, beg leave to report back to the House a substitute measure for said Bill entitled: Substitute for House Bill No. 13, introduced by McNally, "A Bill for an Act in aid of the disability fund of fire departments in incorporated cities for the relief of sick, injured and retired firemen, and the pensioning of the widows and orphans of the deceased firemen, and assigning to said fund certain portions of the licenses derived by the State from fire insurance companies doing business within the State," and recommend that said substitute bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 59, introduced by O'Hern, a Bill for an Act entitled, "An Act to prohibit the placing of a female in a house of prostitution, the living with, or the acceptance of any earnings of a common prostitute, and defining the punishment therefor," having had said bill under consideration, beg leave to report the same to the House with the recommendation that further consideration thereof be indefinitely postponed.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 145, introduced by Woody, a bill for an Act entitled, "An Act authorizing cities to install upon any of their streets or avenues, any special system or systems of street lighting, and to assess the cost and expense of installing, maintaining and operating the same, or any part thereof, against the property directly benefited thereby,' having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities to whom was referred House Bill No. 195, introduced by Gillis, "A Bill for an Act granting to the City or Town Council of cities or towns of the State of Montana the power to cause the removal or destruction of any house, building or other structure which is insecure or is liable to cause injury to surrounding property by reason of fire, or which by reason of dilapidation is unsightly,' having had said bill under consideration, beg leave to report same back to the House with the recommendation that further consideration of said bill be indefinitely postponed.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 144, introduced by Berry, a Bill for an Act entitled, "An Act to increase the powers of cities by conferring upon City Councils the power to levy a special tax for the special purpose of installing an electric lighting system, provided the same shall have first been authorized by a majority vote of the taxpayers affected thereby," having had said bill under consideration, beg leave to report same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Martin from the Committee on Engrossmen reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 87, introduced by Berry, a Bill for an Act entitled, "An Act relating to qualifications of teachers and the granting of teachers' certificates to graduates of the University of Montana," and

House Bill No. 117, introduced by Berry, a Bill for an Act entitled, "An Act to amend Section 3531 of the Revised Codes of Montana, relating to Townsites," and

House Bill No. 187, introduced by Eliel, a Bill for an Act entitled, "An Act making it the duty of every Board of County Commissioners to supply each Justice of the Peace within the County with a copy of the Revised Codes of Montana, 1907, the Session Laws enacted by subsequent Legislative Assemblies and also a Docket;" and

House Bill No. 19, introduced by Moore of Silver Bow, a Bill for an Act entitled, "An Act to provide for the payment of employees semi-monthly, and to prevent the assignment of wages by an employee to defeat the purposes of this Act, and providing a penalty for the violation hereof," as being correctly engrossed.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 53, the same being a bill for an Act entitled, "An Act to define and punish desertion or non-support of family," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 201, introduced by Berry, being a bill for an Act entitled, "An Act to repeal Section 6579 of the Revised Codes of Montana of 1907, and to substitute therefor Section 6579 providing for cross-complaints in an action where the ultimate rights of two or more defendants, as between themselves, may be determined in the action, and for the service of the cross-complaint, and for issuing service and return of summons upon the cross complaint," after having had same under consideration beg leave to report same back to the House with the recommendation that the same do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Hill No. 197, being a Bill for an Act entitled, "An Act to empower the Governor to remove from office any Sheriff or County Attorney of any County of the State of Montana who has refused or neglected to per-

form the official duties pertaining to his office, and prescribing the procedure therefor," report the same back to the House with the recommendation that the said bill do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 211, introduced by Slayton, the same being a Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of County Clerks, report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 10, being a Bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, as amended by an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana for 1907, relating to the salary and compensation of Deputies and County Officers and Assistants," approved March 5th, 1909, report the same back to the House and recommend that the same do pass.

Report adopted.

Mr. Speaker announced that at this time he was about to sign Senate Bill No. 52, a bill for an Act entitled, "An Act to prevent the seduction and prostitution of women and girls, and providing punishment therefor; and to prevent the receipt of money or other valuable thing, from women engaged in prostitution, and prescribing punishment therefor; and to repeal Sections 8341 and 8342 of the Revised Codes of 1907," and signed same in the presence of the House.

Wheeler of Silver Bow from the Committee on Judiciarly reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 209, introduced by Byrnes, the same being a bill for an Act concerning tax sale certificates to real estate, report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 73, introduced by Woody, being a bill for an Act entitled, "An Act to secure and perpetuate liens upon chattels for labor, skill and material expended thereon, and providing for the enforcement thereof," after having same under consideration beg leave to report same back to the House with the recommendation that the same do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 71, introduced by Cockrell, being a Bill for an Act entitled, "An Act to amend Sections 7362 and 7363 of the Codes of Montana for 1907, relative to change of name," report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 191, introduced by Wheeler of Silver Bow, the same being a Bill for an Act entitled, "An Act to amend Sections 7169, 7170 and 7172 of the Revised Code of Montana of 1907, relating to costs and disbursements in the trial of cases," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 202, introduced by Berry, being a bill for an Act entitled, "An Act to define the words "Inhabitant" and "Residence" after having had same under consideration beg leave to report same back to the House with the recommendation that the same do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 106, being a Bill for an Act entitled, "An Act to amend Section 9779 of the Revised Codes of 1907, designating the name of the Montana State Reform School to the Montana State Industrial School," report same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 189, introduced by Wheeler of Silver Bow, the same being a Bill for an Act entitled, "An Act to amend Section 6740 and to repeal Section 6744 of the Revised Codes of Montana of 1907, relating to challenging of the jury or jurors," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 180, being a Bill for an Act entitled, "An Act to amend Section 1 and Section 11 of Chapter 90 of Eleventh Regular Session of the Legislative Assembly of the State of Montana relating to licenses," after having had the same under consideration beg leave to report same back to the House with the recommendation that the same do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 226, the same being a Bill for an Act entitled, "An Act to provide for the payment of salaries to public administrators of the Counties of the First and Second Class and to provide for Attorney's fees to be fixed by the Court in certain administration cases," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 230, being a Bill for an Act entitled, "An Act to amend Section 5761 of the Revised Codes of 1907, relating to the filing of mortgages of personal property, and the duties of the County Clerk in relation thereto," report same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 164, being a Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of attachment," report the same back to the House and recommend that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 203, introduced by Grubb, being a Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of Montana, relating to the regular meetings of the Board of County Commissioners," after having had the same under consideration beg leave to report back to the House that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 210, the same being a Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of 1907 of the State of Montana, relating to the time of holding meeting by the Board of County Commissioners," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 172, introduced by Nolan, being a Bill for an Act entitled, "An Act to amend Section 6788 of the Revised Codes of Montana of 1907, relating to exceptions not presented for settlement at the time of ruling," report same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 54, being a Bill for an Act entitled, "An Act to amend Section 6388 of the Revised Codes of Montana, 1907, relating to the practice of law and to prevent persons other than attorneys from representing themselves to be an attorney or from receiving any fee for services rendered as such," report the same back to the House and move that the title of said bill be amended by adding after the words "as such" the words "and providing a penalty for the violation thereof," and amend said bill by adding the words "Section 1" before the words and figures "Section 6388" in line 8 of said bill and amend by striking out the words in Section 1, line 15, after the word "himself" down to and including the word "Services" in line 18, and recommend that the said Bill as amended, do pass.

Report adopted.

Also McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred Senate Bill No. 16, introduced by Burlingame, entitled, "An Act to regulate the sale of goods, wares and merchandise within the State of Montana, known as prison-made goods," beg leave to report having had under consideration Senate Bill No. 16, recommend that the same be concurred in.

Report adopted.

MOTIONS AND RESOLUTIONS.

Macdonald moved that when the House adjourns today it adjourn

immediately after the Joint Session has dissolved, to meet again Monday, January 30th, 1911, at 11 o'clock A. M.

Motion carried.

Swick moved as follows:

Mr. Speaker:

I move that the pages be instructed not to distribute bills and other papers or commodities while the House is in Committee of the Whole.

Tolman moved as an amendment that only such printed bills as require immediate action, be allowed to be distributed while the House is in Committee of the Whole.

Motion as amended prevailed.

Tolman offered the following Resolution:

Resolved, That the management of the restaurant at the State Capitol be requested to furnish additional tables and help at said restaurant in order to avoid delay in serving its patrons.

On motion of Tolman Resolution was adopted and Mr. Speaker directed the Chief Clerk to inform the management of the Capitol Restaurant of said action taken.

On motion of Macdonald the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Macdonald in the chair.

House resumed.

Mr. Speaker in the chair.

Macdonald from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Joint Resolution No. 1, a Resolution relative to election of United States Senators by popular vote, having had same under consideration, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 44, a Bill for an Act prohibiting Surety Companies from exacting indemnity bonds or security from State, County or City Officials before furnishing Official Bonds, and providing penalty, report same back to the House with the recommendation that it be concurred in as amended by the House.

Also having had under consideration House Bill No. 160, a Bill for an Act entitled, "An Act to amend Section 7724 of the Revised Codes of 1907 of the State of Montana, relating to an inheritance tax on direct and collateral inheritances, bequests and devises and to provide for the collection and direct the disposition of its proceeds," report same back to the House with the recommendation that it be re-referred to General Orders.

Also having had under consideration Substitute for House Bill No. 38, a Bill for an Act entitled, "An Act providing for the establishment of a tax levy on live stock for the purpose of paying bounties on wild animals and for stock inspection, protection and indemnity purposes

and providing a method thereof," report same back to the House with the recommendation that it do pass.

Report of the Committee of the Whole adopted.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 163, introduced by Eliel, a Bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same;" and

House Bill No. 96, introduced by Higgins, a bill for an Act entitled, "An Act to create and establish a Law School at Missoula, to be conducted and operated as a Department of the University of Montana, to provide a name and make an appropriation therefor;" and

House Bill No. 7, introduced by Woody, a Bill for an Act entitled, "An Act to provide for the taxation of mortgages," as being correctly engrossed.

O'Flynn from the Committee on Insurance reported as follows: Mr. Speaker:

Your Committee on Insurance, having had under consideration House Bill No. 46, introduced by Binnard, the same being a Bill for an Act entitled, "An Act for the bonding of Official Abstractors," respectfully recommend that the Substitute House Bill No. 46 do pass.

Also McNally from the Committee on Labor reported as follows: Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 190, introduced by Wheeler of Silver Bow, entitled, "An Act relating to and regulating the sale of coal within the State of Montana, requiring all persons, associations or corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violation of this act," beg leave to report that they recommend the same be amended as follows:

In Section 8, strike out all the words after the words "or both" in line six, and that House Bill No. 190 do pass as amended.

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows: Mr. Speaker:

Your Committee on Insurance, having had under consideration House Bill No. 66, introduced by Stevens, the same being a bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana of 1907, respectfully recommend that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 166, introduced by Nolan, a Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Live Stock Sanitary Board during January and February, 1911," having had the same under consideration, beg leave to report the same back to the House with the recommendation that the substitute Bill for same accompanying the report do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 129, introduced by Story, a Bill for an Act entitled, "An Act authorizing the Governor to appoint an Educational Commission for the purpose of amending, revising, and collating the laws touching upon the public schools of the State, and for the further purpose of suggesting new legislation for the welfare of said schools, and an appropriation to meet the expenses of said commission," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

No objection being offered, Mr. Speaker reverted back to the Second Order of Business.

NOTICE OF BILLS.

By O'Flynn: A Bill for an Act entitled, "An Act to prohibit Peace Officers and other persons from seeking to obtain confession from persons arrested for, or charged with the commission of crime, before final judgment."

By Blackburn: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2, Article 5 of the Constitution of the State of Montana, relating to the term of office of Senators and Representatives of the Legistlative Assembly."

By Blackburn: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 1, of Article 7, of the Constitution of the State of Montana, relating to the term of office of the Governor and Lieutenant Governor."

By Bernard: A Bill for an Act entitled, "An Act to amend Section 4106 of the Revised Codes of Montana of 1907, relating to mutual insurance companies."

On motion of Binnard the House extended a vote of thanks to Vaughan and Story for distributing carnations in observance of Carnation Day.

Bernard offered the following resolution:

Mr. Speaker:

Resolved, That the Committee heretofore appointed to act with a like

Committee of the Senate, to investigate the Carey Land Projects, be and they are hereby authorized to extend such invetsigation to other State lands.

On motion of Bernard the resolution was adopted.

Donohue moved as follows:

I move that H. B. No. 147 be made a special order of business on Wednesday, Feb. 1, 1911, at 2:30 P. M.

Motion prevailed.

The hour of 11:50 o'clock having arrived, the Chief Clerk called the roll of the House and found all members present except those paired.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All members of the Senate were found present, except Meyer and Survant, who was paired with Dearborn.

All the members of the House were found present except the following, who were paired: Holt-McMurry, Nelson-Reel, Law-Higgins, Kammerer-Jordan, Eliel-Whaley, McQuitty-Sarter.

Mr. President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway and Tooley—10.

For T. J. Walsh—Duncan, George, Groff, Leary, McCarthy and Stout—6.

For W. G. Conrad—Cockrell and Gallwey—2.

For W. R. Allen—Burlingame and Sykes—2.

For W. F. Meyer—Everett and McCone—2.

For T. M. Swindlehurst—Conrow—1.

For R. R. Purcell—Muffly—1.

For C. B. Nolan—Whiteside—1.

Total—25.

Absent—Meyer. Paired—Dearborn and Survant—3.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McNally, Martin, Nolan, O'Hern, Owenhouse, Tuttle, Wheeler of Silver Bow, Woody and Word —18.

For W. G. Conrad—Alley, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Macdonald, O'Flynn, Wheeler of Cascade and Mr. Speaker—16.

For T. H. Carter—Bernard, Blake, Burt, English, Gray, Grubb, Hewett, Hickey, Holter, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Schwartz, Slayton, Stevens, Story, Swick and Williams—20.

For W. F. Meyer—Bell, Tolman and Vaughan—3.

For C. N. Pray—Jacobson and Reser—2.

For Mike McGrath—Moore of Silver Bow—1.

For Col. Decker—Murray—1.

Total—61.

Paired—Holt-McMurry, Nelson-Reel, Law-Higgins, Kammerer-Jordan, Eliel-Whaley, McQuitty-Sarter—12.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	24
For T. H. Carter	30
For W. G. Conrad	18
For W. F. Meyer	5
For W. R. Allen	2
For C. N. Pray	2
For T. M. Swindlehurst	1
For R. R. Purcell	1
For C. B. Nolan	1
For Mike McGrath	1
For Col. Decker	1
Total	86
Absent—Meyer	1
Paired—Survant-Dearborn, Holt-McMurry, Nelson-Reel, Law-Higgins, Kammerer-Jordan, Eliel-Whaley, McQuitty-Sarter	14
Grand total	101

The president thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Donohue the House adjourned at 12:40 o'clock P. M. to meet at 11 o'clock A. M. on Monday, January 30th, 1911.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Twenty-Ninth Day.

Monday, January 30, 1911.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except, Alley, Donohue, Holt, Kammerer, McMurry, McQuitty, Reel, Sarter and Woody.

On motion of Tuttle the Journal of the Twenty-seventh Day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Office of Secretary Montana State Fair.

Helena, Mont., January 26, 1911.

To the Honorable Speaker and Members of the Twelfth Legislative Assembly, State of Montana, Helena, Montana.

Gentlemen: You are cordially invited to visit the Permanent Exhibit of the Montana State Fair on Tuesday evening, January 31st. It is located in the Kohrs Block on Fuller Avenue in this city, and will be kept open from six to ten P. M. for your convenience.

It is unquestionably the finest exhibit of the products of the field, farm, orchard and mine today in America. After seeing it you will have a far greater conception of the possibilities of our State and can legislate better for its further advancement.

Yours very truly,

(Signed) MARTIN MARTIN, Secretary.

NOTICES OF BILLS.

By O'Hern: A Bill for an Act entitled, "An Act to amend Chapter Two, Part Two, Title Four of the Revised Codes of Montana of 1907, by adding thereto an additional section to be known as Section 6533 A, relating to pleading in the alternative."

By Bernard: A Bill entitled, "An Act to amend Section 5769, Chapter 3, Title 14, Part 4, Division 3 of the Civil Code of the Revised Codes of the State of Montana."

By Grubb: A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie, V. S., for salary as Meat and Milk Inspector for Flathead County, between September 18, 1906, and April 20, 1907, in accordance with the provisions of Sec-

tion 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of Montana, 1907."

By Bell: A Bill for an Act to amend Sections 7293 and 7299 of the Revised Codes of Montana of 1907, relating to the property affected by mechanics' liens, and the time within which actions to enforce such liens may be commenced."

By Bell: A Bill for an Act entitled, "An Act to amend Sections 5762 and 5763 of the Revised Codes of Montana of 1907, relating to the filing and duration of the lien of chattel mortgages, and to the renewal of chattel mortgages, and the duration of the lien created thereby.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred H. B. No. 28 beg leave to report same back to the House as correctly printed.

Macdonald from the Committee on Water Ways and Navigation reported as follows:

Mr. Speaker:

We your Committee on Waterways and Navigation to whom was referred Senate Bill No. 23, introduced by Whiteside, being a bill for an Act entitled, "An Act to provide for the construction of a biological station, for the use of the University of Montana, in Flathead County, Montana, and to appropriate money therefor," beg leave to report that having had same under consideration, we return same to the House with the recommendation that it be concurred in.

Report adopted.

INTRODUCTION OF BILLS.

By unanimous consent, the Committee on Appropriations was granted leave to introduce two bills without previous notice being given, and Law was also granted permission to introduce a bill without previous notice.

By Paul, H. B. No. 233: A Bill for an Act entitled, "An Act to provide for the alteration of the boundaries of incorporated towns and cities, by annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality and for districting, government and municipal control of the annexed territory."

By Paul, H. B. No. 234: An Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and Forty cents, turned into the treasury of the State of Montana through error by the Board of Commissioners for the insane.

By Byrnes, H. B. No. 235: A Bill for an Act entitled, "An Act to amend Section 4311 of the Revised 1907 Codes of Montana, relating to the liability for live stock killed or injured by the railroads; and providing the manner of giving notice, and keeping record thereof."

By Jacobson, H. B. No. 236: A Bill for an Act entitled, "An Act

to create the County of St. Mary's, designate its boundaries, and provide for its organization and government, and to change the boundaries of Teton County to conform thereto."

By Jacobson, H. B. No. 237: A Bill for an Act entitled, "An Act to create the County of Conrad, designate its boundaries, and provide for its organization and government, and to change the boundaries of Teton County to conform thereto."

By Brady, H. B. No. 238: A Bill for an Act entitled, "An Act to provide for the establishment of districts in which the running of live stock at large shall be forbidden and fixing penalties for the violation of this Act."

By Binnard, H. B. No. 239: A Bill for an Act entitled, "An Act to amend Section 6741 of the Revised Codes of the State of Montana of 1907, relative to challenges for cause."

By Appropriation Committee, H. B. No. 240: A Bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

By Appropriation Committee, H. B. No. 241: A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector."

By Macdonald, H. B. No. 242: A Bill for an Act entitled, "An Act to amend Section 164 of the Revised Codes of Montana, as amended by Section 2, of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection."

By O'Hern, H. B. No. 243: A Bill for an Act entitled, "An Act to exempt honorably discharged sailors and soldiers of the War of the Rebellion, and honorably discharged sailors and soldiers of the Spanish-American War from the payment of Road Tax and Poll Tax."

By Higgins, H. B. No. 244: A Bill for an Act entitled, "An Act making the study of the United States Constitution, the Constitution of the State of Montana, and the election laws of the State of Montana a requirement for a Degree in any Department in the University of Montana."

By Berry, H. B. No. 245: A Bill for an Act entitled, "An Act to create and establish a Bureau of Legislative Information and Reference, designating its members, and defining its powers and duties."

By Wheeler of Silver Bow, H. B. No. 246: A Bill for an Act entitled, "An Act to provide State Certificates for those persons who have County Professional Certificates as they exist under the present law, and who have successfully taught in the Public Schools of this State for eight years."

By Tolman (by request), H. B. No. 247: A Bill for an Act entitled, "An Act defining the duties of Physicians practicing in the State of Montana, prescribing their compensation and penalties for failure in the discharge of duty."

By Gray, H. B. No. 248: A Bill for an Act to amend Section Two (2) of an Act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8786 and 8788 of the Revised Codes of Montana of 1907, relating to the protection and killing of wild game, and beaver, and preventing the sale of beaver skins, and providing a punishment for the violation of this Act."

By Whaley, H. B. No. 249: A Bill for an Act entitled, "An Bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of water rights from the streams of this State."

By Bernard, H. B. No. 250: A Bill for an Act entitled, "An Act to amend Section 4106 of the Revised Codes of Montana of 1907, relating to Mutual Rural Insurance Companies."

By Moore of Valley, H. B. No. 251: A Bill for an Act entitled, "An Act to establish a Sub-Experimental Station in Valley County, Montana, and providing for the acquisition of land for the same, and the direction thereof, and appropriating money therefor."

By Law, H. B. No. 252: A Bill for an Act entitled, "An Act to authorize two or more school districts to unite to form a new district, or to enlarge a district by the annexation of one or more districts, and to authorize expenditures for the transportation of pupils."

Mr. Speaker at this time announced that he was about to sign Senate Bill No. 34, a bill for an Act entitled, "An Act providing for the disposition of moneys received from the sale of estrays, and prescribing the duties of the State Treasurer, and Board of Stock Commissioners with reference thereto," and signed same in the presence of the House.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills 28 and 101, and Senate Joint Memorial No. 7, having been read three several times and passed is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 28, a Bill for an Act to regulate and prohibit the issuance or acceptance of free transportation by common carriers, read first and second times by title only, and referred to Committee on Railroads and Transportation.

S. B. No. 101, a Bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector," read first and second times by title only and referred to Committee on Judiciary.

S. J. M. No. 7, a Joint Memorial asking for the construction of two steel bridges over the Kootenai River in the Kootenai National Forest Reserve by the United States Government acting in conjunction with the Cixil Government of Lincoln County, read first and second times at length and referred to Committee on Federal Relations.

READING OF HOUSE BILLS.

H. B. No. 233, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 234, read first and second times at length and referred to Committee on State Boards and Officers.

H. B. No. 235, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 236, read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 237, read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 238, read first and second times by title only, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 239, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 240, read first and second times at length and referred to Committee on Live Stock and Public Ranges.

H. B. No. 241, read first and second times at length and referred to Committee on State Boards and Officers.

H. B. No. 242, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 243, read first and second times by title only, and referred to Committee on Military Affairs.

H. B. No. 244, read first and second times by title only, and referred to Committee on State Institutions.

H. B. No. 245, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 246, read first and second times by title only, and referred to Committee on Education.

H. B. No. 247, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 248, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 249, read first and second times by title only, and referred to Committee on Irrigation and Water Rights.

H. B. No. 250, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 251, read first and second times at length and referred to Committee on Agriculture.

H. B. No. 252, read first and second times by title only, and referred to Committee on Education.

Word moved that hereafter the roll of the House be called at 11:45 A. M. each day instead of 11:50 A. M.

The hour of 11:45 o'clock A. M. having arrived, the Chief Clerk called the roll of the House and found all members present except those paired.

Macdonald from the Committee on Waterways and Navigation reported as follows:

Mr. Speaker:

Your Committee on Waterways and Navigation to whom was referred House Joint Memorial No. 4 introduced by Bernard, "To authorize the State Board of Examiners of the State of Montana to purchase a suitable bronze memorial tablet and erect the same in a proper and suitable place in the Capitol Building at Helena, in memory of the life and services of the late Governor, Robert B. Smith, having had the same under consideration and after consulting with the State Board of Examiners, beg leave to return the same to the House with the recommendation that an appropriation bill be prepared in lieu thereof.

Report adopted.

Macdonald moved as follows:

Mr. Speaker:

I move that the Chief Clerk be permitted at all times to send bills to the desks of the Chairmen of the various Committees.

Motion prevailed.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except Meyer.

All the members of the House were found present except the following who were paired: Alley and Stevens, Kammerer and Jordan, Donohue and Williams, Woody and Murray, McQuitty and Sarter, Holt and McMurry, Nelson and Reel.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the folowing result:

For T. H. Carter—Christopher, Donlan, Dinnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell and Gallwey—2.

For Col. Crull—Sykes—1.

For W. R. Allen—Burlingame—1.

For T. M. Swindlehurst—Conrow—1.
For C. N. Pray—Everett—1.
For H. J. Haskell—McCone—1.
For R. R. Purcell—Muffly—1.
For C. B. Nolan—Whiteside—1.
Absent and not voting—Meyer—1.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Johnson of Ravalli, Kirschwing, Law, McNally, Martin, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Word—18.

For W. G. Conrad—Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Macdonald, Moore of Silver Bow, O'Flynn, Wheeler of Cascade and Mr. Speaker—16.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holter, Jacobson, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Schwartz, Slayton, Story, Swick and Tolman—21.

For—W. R. Allen—Bell and Vaughan—2.
For J. H. T. Ryman—Higgins—1.
For C. N. Pray—Reser—1.
Total—59.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	25
For T. H. Carter	32
For W. G. Conrad	18
For W. R. Allen	3
For C. N. Pray	2
For T. M. Swindlehurst	1
For H. J. Haskell	1
For R. R. Purcell	1
For Col. Crull	1
For C. B. Nolan	1
For J. H. T. Ryman	1
Total	86
Absent—Meyer	1
Paired: Alley-Stevens, Kammerer-Jordan, Donohue-Williams, Woody-Murray, McQuitty-Sarter, Holt-McMurry, Nelson-Reel	14
Grand total	101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Rodgers, the House took a recess at 12:20 o'clock P. M. to meet at 2:00 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor.

Hon. W. W. McDowell, Speaker,

House of Representatives, Helena, Mont.

My dear Sir: Herewith is transmitted a copy of a telegram this day received relative to the desire of Mr. Herbert Myrick to address the Assembly on some day early next month.

The request is transmitted for such action as the Assembly may desire to take in the matter. It is suggested that, if the Assembly look upon the proposition favorably, you have the fact communicated to Mr. Hall at Minneapolis, when a date may be arranged.

Your truly,

(Signed:) EDWIN L. NORRIS,

Governor.

Postal Telegram received 12:30 P. M.

Minneapolis, Minn., January 30, 1911.

Gov. Edwin L. Norris,

Helena, Montana.

We should like to have Herbert Myrick, President and Editor-in-Chief of Farm and Home, Orange Judd Farmer, New England Homestead, American Agriculturist, Northwest Farmstead, and Dakota Farmer, address the present Legislature for a few minutes while on his tour West early next month on the subject "The Northwest's Relations to the New Canadian Reciprocity." Can this be arranged? Kindly wire.

Signed:) C. E. HALL.

On motion of Law the permission of the House was granted Mr. Myrick to adderss the House on some future date to be decided on by the Governor and Mr. Myrick.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notice of an Introduction of a Bill was this day given:

By Burlingame: A Bill for an Act entitled, "An Act appropriating

money for the payment of the claim of J. H. Calderhead and O. M. Holmes for the publication and distribution of fifty thousand copies of a Supplemental edition of the Seventh Report of the Bureau of Agriculture, Labor and Industry."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day Introduced, read first and second time and referred:

Senate Bill No. 109, by Whiteside: A Bill for an Act entitled, "An Act giving control of the lands in the beds of navigable streams and water-ways to the State Board of Land Commissioners, forbidding the sale of such lands and defining the terms upon which said lands may be leased, forbidding the obstruction of any navigable streams or water-ways, and fixing penalties for the violation of this Act." Referred to Committee on Public Lands.

Senate Bill No. 110, by Duncan: A Bill for an Act to amend Section 3643, of the Revised Codes, being a portion of Title I, Chapter 2, Article 2, of the Civil Code relating to dissolution of marriage, and adding to said Chapter Section 3656-A, defining incurable insanity. Referred to Committee on Judiciary.

Senate Bill No. 111, by Donlan: A Bill for an Act entitled, "An Act changing and defining the boundaries of Sanders County, and changing and defining the boundaries of Missoula County to conform thereto." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 112, by Dearborn: A Bill for an Act entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to Tax Deeds, and to fix the limit of time in which actions to set aside or annul tax deeds may be brought," and approved March 3rd, 1909, relating to tax deeds, and to repeal the provisions of said Section 2654 as amended, in relation to the time within which suits may be brought to set aside or annul tax deeds." Referred to Committee on Judiciary.

Senate Bill No. 113, by Christopher: A Bill for an Act entitled, "An Act to legalize all warrants of counties issued and all bonds of counties issued or sold for the purpose of paying for the construction of public highways and public highway bridges." Referred to Committee on Judiciary.

Senate Bill No. 114, by Leary: A Bill for an Act entitled, "An Act to create the county of Marias, designate its boundaries, and provide for its organization and government." Referred to Committee on Coun-

ties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 12, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of Bills were this day given:

By Gallwey: A Bill for an Act entitled, "An Act to provide State Certificates for those persons who have County Professional Certificates as they exist under the present law, and who have successfully taught in the public schools of this State for eight years."

By McCarthy: A Bill for an Act entitled, "An Act to create a Legislative Reference Bureau."

By Stout: A Bill for an Act entitled, "An Act to provide for the recovery of Attorney's fees as a part of the costs in actions in Justice's Courts and fixing the amount thereof."

By George: A Bill for an Act to amend Sections 7293 and 7299 of the Revised Codes of Montana relating to the property affected by mechanics liens and the time within which actions to enforce such liens may be commenced.

By McCone: A Bill for an Act entitled, "An Act to require bonds from abstractors and to provide security to the public against errors, omissions and defects in abstracts of title of real estate, and for the use of abstracts in evidence, and to provide a penalty for the violation thereof."

By Survant: A Bill for an Act entitled, "An Act to provide that all boxes, packages, cans and cartoons containing goods, wares and merchandise shall have stamped thereon the net weight therein contained, and providing penalties for the violation thereof."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second time and referred:

Senate Bill No. 115, by Burlingame: A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of J. H. Calderhead and O. M. Holmes for the publication and distribution of fifty thousand copies of a supplemntal edition of the Seventh Report of the Bureau of Agriculture, Labor and Industry." Referred to Committee on Finance and Claims.

Senate Bill No. 116, by George: A Bill for an Act entitled, "An Act to establish a State Board of Embalmers and Undertakers; defining their powers and duties; providing for the compensation of the mem-

bers, and providing for the enforcement of the rules and regulations and laws relating to said Board." Referred to Committee on Agriculture and Manufacture.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, January 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 57, 38, 99, 69, 75, 49 and 53, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, January 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No. 6, having been read three several times and passed is herewith transmitted for your concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, January 13, 1911.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that House Bill No. 32, having been read three several times and concurred in, is herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate

Senate Chamber, Helena, Montana, January 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 4, introduced by Whiteside, being a Resolution pertaining to the decorations in the New Capitol Wings, having been read three several times and passed, title agreed to, is herewith transmitted to the House for its concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

O'Hern moved as follows:

Mr. Speaker:

I move you that Miss Jeanette Rankin of Missoula, Montana, be requested to address the House on Wednesday at 2:30 P. M. when House goes into Committee of the Whole and also any other ladies she may desire.

Motion prevailed.

Whaley moved that the chairs on the floor of the House be reserved for the use of the ladies on Wednesday afternoon during the proceedings in conjunction with H. B. No. 147, which has been made a special order for 2:30 P. M. on that day.

Motion prevailed.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Substitute Bill No. 38, introduced by Committee on Live Stock and Public Ranges, a bill for an Act entitled, "An Act providing for the establishment of a tax levy on live stock for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and providing a method thereof," as being correctly engrossed.

READING OF SENATE BILLS.

S. B. No. 57, "An Act to amend Chapter IV of the Revised Codes of Montana entitled "Miscellaneous Liens," by adding thereto Sections 5818a, 5818b, 5818c, 5818d, and 5818e, in relation to Seed Liens and the enforcement thereof," read first and second times by title only and referred to Committee on Agriculture.

S. B. No. 38, "An Act to amend Section 877 of the Revised Codes of the State of Montana and providing for transportation of pupils within the school district where they reside or from one district to another," read first and second times by title only and referred to Committee on Education.

S. B. No. 99, a Bill for an Act entitled, "An Act providing for the prosecution of actions arising out of the conduct of the affairs of the State Board of Stock Commissioners, to appoint officers to make investigation and to institute and prosecute all proper actions," read first and second timss by title only and referred to Committee on Judiciary.

S. B. No. 69, a Bill for an Act entitled, "An Act authorizing the Commissioner of Insurance to examine into the affairs of any corporation, association or company in process of organization or being promoted in this State for the purpose of transacting the business of insurance and providing for the publication of the result of such examination if deemed expedient and necessary," read first and second times by title only and referred to Committee on Insurance.

S. B. No. 75, a Bill for an Act entitled, "An Act amending Section 6356 of the Revised Codes of 1907, relating to the manner of summoning jurors in District Courts," read first and second times by title only and referred to Committee on Judiciary.

S. B. No. 49, a Bill for an Act entitled, "An Act relating to the qualification of teachers and registration of certificates and to amend Section 901 Revised Codes of Montana, 1907, relating to certificates of qualifications of teachers and to amend Section 908, Revised Codes of Montana of 1907 relating to qualifications of teachers," read first and second times by title only and referred to Committee on Education.

S. B. No. 53, a Bill for an Act entitled, "An Act requiring the registration of all trained nurses, providing a Board of Registration and examination, fixing the number, duties and qualifications of said Board and providing for the registration of nurses: providing penalties for violation of said Act," read first and second times by title only and referred to Committee on Sanitary Affairs.

S. J. M. No. 6, a petition to Congress to enact such legislation as will relieve the settlers under Irrigation Projects in Montana, east of the main range of the Rocky Mountains, read first and second times by title only, and referred to Committee on Federal Relations.

THIRD READING OF SENATE JOINT RESOLUTIONS.

Senate Joint Resolution No. 4, pertaining to the decorations in the new Capitol wings, having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Asbridge, Blackburn, Donohue, Duffy of Silver Bow, English, Hewett, Holt, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McNally, McQuitty, Moore of Silver Bow, Reel, Rodgers, Sarter, Stevens and Woody—19.

Title agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 44 having been read three several times was concurred in by the following vote:

Ayes—Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Roberts, Schwartz, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—50.

Noes—Burt, Kirschwing, Nelson, Nolan, Reser and Slayton—6.

Absent and not voting—Alley, Asbridge, Bell, Donohue, Duffy of Silver Bow, Herbold, Hewett, Holt, Kammerer, McMurry, McQuitty, Reel, Rodgers, Sarter, Stevens, Wheeler of Cascade, and Mr. Woody—17.

Title agreed to.

Senate Joint Resolution No. 1 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady,

Burt, Byrnes, Crouch, Dobell, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbod, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—56.

Noes—None.

Absent and not voting—Asbridge, Baker, Donohue, Duffy of Granite, Duffy of Silver Bow, Hewett, Holt, Kammerer, McMurry, McQuitty, Reel, Rodgers, Sarter, Stevens, Tuttle, Wheeler of Cascade and Woody—17.

Title agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 50, having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Noes—Crouch, Kirschwing, Macdonald and Whaley—4.

Absent and not voting—Alley, Donohue, Gillis, Hewett, Holt, Kammerer, Lissner, McMurry, McQuitty, Reel, Rodgers, Sarter, Stevens, Tuttle and Woody—15.

Title agreed to.

No objection being offered, upon request, the Committee on Affairs of Cities was excused from attendance in the House.

H. B. No. 34 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Hickey, Higgins, Holter, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Martin, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, O'Hern, Paul, Reser, Schwartz, Slayton, Story, Swick, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—44.

Noes—Jacobson and Tolman—2.

Absent and not voting—Alley, Bell, Burt, Dobell, Donohue, Gillis, Herbold, Hewett, Holt, Johnson of Ravalli, Kammerer, Lissner, Macdonald, McMurry, McNally, McQuitty, Nelson, Nolan, Owenhouse, Ralston, Reel, Roberts, Rodgers, Sarter, Stevens, Whaley and Woody—27.

Title agreed to.

H. B. No. 97 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Macdonald, McNally, Martin, Moore of Siver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—57.

Noes—None.

Absent and not voting—Alley, Bell, Donohue, Gillis, Hewett, Holt, Johnson of Ravalli, Kammerer, Lissner, McMurry, McQuitty, Reel, Rodgers, Sarter, Stevens and Woody—16.

Title agreed to.

H. B. No. 95, having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Hayes, Herbold, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—56.

Noes—None.

Absent and not voting—Alley, Blackburn, Donohue, Grubb, Hewett, Holt, Kammerer, Macdonald, McMurry, McQuitty, Owenhouse, Reel, Rodgers, Sarter, Stevens, Vaughan and Woody—17.

Title agreed to.

Berry moved that the rest of the bills on the board be considered as read at length.

Motion lost.

H. B. No. 132 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Johnson of Lewis and Clark, Kirschwing, Law, Lissner, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—53.

Noes—Jacobson, Jordan and Story—3.

Absent and not voting—Alley, Blackburn, Byrnes, Donohue, Hewett, Holt, Johnson of Ravalli, Kammerer, Macdonald, McMurry, McQuitty, Reel, Rodgers, Sarter, Stevens, Vaughan and Woody—17.

Title agreed to.

H. B. No. 68 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Johnson of Lewis and Clark, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, Owenhouse, Ralston, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—46.

Noes—Burt, Eliel, Jacobson, Jordan, Kirschwing, Law, Murray, O'Hern, Paul, Reser and Wheeler of Cascade—11.

Absent and not voting—Alley, Byrnes, Donohue, Hewett, Holt, Johnson of Ravalli, Kammerer, McMurry, McQuitty, Nelson, Reel, Rodgers, Sarter, Stevens, Whaley and Woody—16.

Title agreed to.

Higgins moved that House Bill No. 107 be recommitted to the Committee on Corporations other than Municipal.

Duffy of Silver Bow moved an amendment that this bill be recommitted to the Committee on Judiciary.

Amendment prevailed.

H. B. No. 171 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade and Mr. Speaker—52.

Noes—None.

Absent and not voting—Alley, Byrnes, Donohue, Duffy of Silver Bow, Hewett, Holt, Holter, Kammerer, Macdonald, McMurry, McQuitty, Nelson, Reel, Rodgers, Sarter, Stevens, Whaley, Wheeler of Silver Bow, Williams, Woody and Word—21.

Title agreed to.

H. B. No. 120, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Higgins, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, Slayton, Stevens, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Noes—Jacobson, Johnson of Ravalli and Story—3.

Absent and not voting—Blackburn, Byrnes, Donohue, Ebert, Hewett, Hickey, Holt, Holter, Kammerer, McMurry, McQuitty, Nelson, Reel, Rodgers, Sarter and Woody—16.

Title agreed to.

On motion of Dobell, the House adjourned at 4:15 o'clock P. M. to meet tomorrow at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Thirtieth Day.

Tuesday, January 31, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Kammerer, McMurry, Reel and Woody.

On motion of Hickey the Journal of the Twenty-ninth Day as read was approved.

NOTICES OF BILLS.

By Blackburn: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Article 16 of the Constitution of the State of Montana, by adding thereto a section to be known as Section Seven, relating to the consolidation of county and city governments."

By Bernard: A Bill to authorize District Judges, Justices of the Peace and Police Magistrates to suspend sentence upon a conviction for a first offense."

By Bernard: A Bill authorizing the State Board of Examiners to purchase a suitable monument and tablet and appropriating money therefor to the memory of the late Governor Robert B. Smith.

By Gillis: A Bill for an Act entitled, "An Act to permit railroad companies to carry free, or at reduced rates, persons and property in certain cases."

By Byres: A Bill for an Act entitled, "An Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, being Sections 637 and 638 of the Revised Codes of Montana of 1907, relating to the election of United States Senators."

By Byrnes: A Bill for an Act entitled, "An Act to amend Subdivision 1 of Section 453 of the Revised Codes of Montana of 1907, relating to proclamations of election by the Governor."

By Byrnes: A Bill for an Act entitled, "An Act to amend Section 545 of the Revised Codes of Montana of 1907, in relation to the form ballots to be used at elections."

By Tolman: A Bill entitled, "A Bill for an Act to amend Section 4349 of the Revised Codes of the State of Montana, relating to passenger rates."

By Macdonald: A Bill for an Act entitled, "An Act to regulate the use and occupation of navigable waters of the State of Montana."

By Macdonald: A Bill for an Act entitled, "An Act to provide for the manner of holding certain lands belongbing to the State of Montana."

By Nolan: A Bill for an Act entitled, "An Act to appropriate $5,000.00 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a commission to assist in the erection of memorial."

By Nolan: A Bill for an Act entitled, "An Act providing for bonding fire districts in unincorporated cities and towns."

By Nolan: A Bill for an Act entitled, "An Act to amend Section 2077 of the Revised Codes relating to officers, by-laws and exempt firemen of fire companies in unincorporated cities and towns, and to provide for the election, by the tax payers of fire districts in unincorporated towns, of a board of directors, and defining the powers and duties of such board, and to amend Section 2081 of the Revised Codes relating to the levy of taxes upon property within fire districts in unincorporated cities and towns."

By Whaley: A Bill for an Act entitled, "An Act for substitution and exchange of waters for purposes of irrigation in the streams of the State."

By Whaley: A Bill for an Act entitled, "An Act to amend Section 3003 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of county treasurers, to provide for the payment of interest on public money, and for the furnishing of official bonds by such officers."

By Macdonald: A Bill for an Act entitled, "An Act to provide for the inspection of steam boats and all boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana. To provide for their inspection and for the appointment of an inspector of boats, to define his duties, to provide for his compensation and to provide sailing for all such boats and for the general superintendence and control of navigation by the State Board of Railroad Commissioners, and providing a penalty for the violation of any of the provisions of this Act."

REPORTS OF SELECT COMMITTEES.

The following report was received:

Helena, Montana, January 30, 1911.

To the Honorable—

The Senate and House of Representatives of the State of Montana:

Gentlemen:

We, your Committee duly and regularly appointed for the purpose of investigating and reporting concerning the advisability of the State of Montana making purchase from Mitchell & Musigbrod of the buildings, ground, lands, and personal property located at Warm

Springs, Deer Lodge County, Montana, said property having been heretofore and now used in connection with a hospital for the care and custody of the State's insane, all in pursuance of Senate Joint Resolution No. 2, respectfully report as follows:

The entire committee visited the Insane Asylum at Warm Springs, Montana, on Sunday, January 15th, with Doctor J. M. Scanland, the Superintendent of said Institution, Doctor Peter Musigbrod, and the staff officers of the institution. The Committee was treated with great cordiality and shown over the entire institution and grounds in connection therewith. Records, and the like, were all submitted for examination by your committee, and no attempt whatsoever made to mislead or conceal the amount said firm has invested in permanent improvements and the like for the maintenance and conduct of a proper institution and hospital for the care and treatment, under contract with the State of Montana, of persons afflicted with mental diseases.

The hospital, operating rooms, and wards in connection therewith are in every way modern, and spotlessly clean. The sleeping apartments, beds and bedding used for all patients from the bedridden up to the most strong was far better than we had expected to find provided for such persons. The institution has been practically reconstructed during the past five years, and now they have modern and up to date dormitories, hospitals and administration buildings affording facilities to care for such patients as well, if not better than many an older State in the Union. In fact it was a source of surprise to the entire committee to note the splendid provisions made for these unfortunate people by the contractors, and in all of the buildings there seemed to be good ventilation and light, and the cleanliness of all buildings and departments was commented upon by the members of the committee.

We desire to particularly compliment Doctor J. M. Scanland, Superintendent of the Asylum, upon his able and efficient management of said institution, evidences of which were plainly apparent in every branch of the conduct of the asylum. We believe that when the State provides for its insane exclusively as a state institution, that it will be extremely fortunate if it is able to obtain the services of a man as Superintendent of such institution with equal capabilities to those possessed by Doctor Scanland.

After having made a thorough examination of the methods of conducting said institution, and the buildings and other facilities furnished for the care of patients, and after having visited the wards and made observation of the patients themselves, both male and female; the dairy barns, slaughter house, root houses, store, hotel and ranch buildings used in connection with and a part of such institution, the committee directed the contractors to submit to it, at Helena, their books of account showing the amount of their investment for both land, improvements and necessary livestock and personal property for the proper conduct and management of the institution. Thereafter the committee met at Helena, and the plans, specifications

and details of each of the buildings used in conjunction with the conduct of this institution were submitted to your committee for examination, and in this connection there was also submitted the statements of account of said contractors showing the actual cost of construction of each of said buildings, together with furnishings and proper equipment, and a full and complete abstract of title of the lands and water-rights was also submitted for examination and inspection, and, likewise, a plat showing the location of the lands and amount thereof and the location of all buildings thereon.

The price at which the contractors offered to sell their lands to the State, together with all improvements and equipment, and necessary personal property aggregated, in accordance with their inventory submitted, the sum of Eight Hundred Eighty-two Thousand Nine Hundred Ninety-two and 72-100 Dollars ($882,992.72). Your Committee thereupon met from day to day and gave careful and earnest study and consideration of the statements of account of said contractors and of the inventories presented concerning the reasonable value of the property, and thereafter, on the 25th day of January, in the interest of obtaining advice and information from citizens in position to know the value of such buildings and of the land, your committee called before it Honorable John Bielenberg, and Honorable Charles Williams, residents and large land owners in the Deer Lodge Valley, to give aid and counsel with respect to the reasonable valuation of the lands, improvements and livestock offered for sale to the state by said contractors. These gentlemen are old time residents of the Deer Lodge Valley and have been engaged in the ranching and livestock business for years on a large scale, have known the lands belonging to the institution for more than twenty-five years, and are so well known in the state that little more need be said than to mention the names of these men to give assurance of their integrity, fair minded and public spirited character. They were each separately called before the committee and each gave careful inspection of the plats showing the location of water-rights and irrigation facilities of the lands, and were each furnished with a complete detailed statement of all the livestock, farm equipment and machinery, and both expressed to the committee that in their judgment, based upon their experience and knowledge of the lands in question and the inventory of the livestock and machinery, that the figures presented to the committee by the contractors respecting valuations were fair, just and reasonable.

Thereupon, for the purpose of obtaining assistance and information concerning the cost of the construction of the buildings, your committee called before it William V. Murray, who occupies the position of State Superintendent of Construction in charge of the construction of the additions to the Capitol Building and who has had considerable experience in the construction of public buildings, and who has personally visited the plant and buildings now owned by the contractors at Warm Springs. After examining the plans, specifications and details, and the statements of account showing the cost of construction of each of the buildings, and based upon his personal inspection

of said buildings at the institution, he stated to your committee that in his judgment the price placed by the contractors upon the buildings should be reduced to the extent of Twenty-seven thousand ($27,000.00) Dollars, and that, when such reduction was made from the inventoried price, the valuation of all buildings would be fair and reasonable.

The superintendent of the Asylum was called before your committee on several occasions for the purpose of having him make explanation concerning the inventories and methods by which the price at which the property was offered for sale to the State was arrived at, and also for the purpose of enabling your committee to drive a good businesslike bargain for the State of Montana in the purchase of the plant at the lowest possible figure and on the best possible terms. After having been fully advised in the premises, as hereinabove set forth, Doctor Scanland was again called before your committee on January 27th, and a review of the whole subject matter was had in an effort to come to an agreement respecting the lowest price and best terms upon which said property might be purchased. As a result of said conference it was finally agreed between your committee and Doctor Scanland, representing the contractors, Mitchell & Musigbrod, that the contractors would sell the property to the state upon the terms hereinafter indicated, for the full sum of Six Hundred Fifty Thousand ($650,000.00) Dollars, and your committee were unanimously of opinion that this price is exceedingly low and reasonable, and the terms of purchase fair and just, and, from a business standpoint, recommend that there should be no delay in immediately accepting the terms and conditions of the offer.

Examination was made concerning the present cost to the contractors for the maintenance of patients per capita per month, and after giving this subject consideration and study, your committee are of opinion that the lands in connection with this institution are exceedingly desirable to be owned by the state because of its location with reference to the state prison, which is now conducted as a state institution, and in connection with which the state is not possessed of a farm or lands suitable for farming purposes. It appears that it will be of great benefit and advantage to the state, and bring about a saving in the cost of the maintenance of insane persons and prisoners for the state to own this institution, together with the lands, livestock and equipment in connection therewith. Legislation has been advocated to make provision for the care of indigent inebriates and drug fiends by the state, and also for the establishment of a Tuberculosis Hospital. By the purchase of this property ample provision can easily be made in the future for the proper care and treatment of this class of unfortunate persons without any additional cost save and except the cost of construction of additional necessary buildings. By this statement is meant that the institutions for tuberculosis patients, inebriates, and drug fiends, can all be conducted under the one management, and in consequence with a less number of attendants and employees.

Your committee saw on the ground at the institution a great quantity of brick, cement building blocks and building material and were advised by Doctor Scanland that there is now a sufficient amount of material on hand to provide any additional buildings or improvements which may be needed at said institution during the next three to five years, which said material will be turned over to the state with other personal property in accordance with the understanding had with reference to the sale.

The statements submitted to your committee concerning the cost of running this institution by the contractors convinces your committee that the purchase of this property will be of great and lasting advantage to the state in that thereby the cost of the operation of this institution and of the state prison at Deer Lodge will be very appreciably reduced. The state will have no taxes to pay upon this property, and by virtue of utilizing the prisoners in farm work, necessary supplies such as vegetables, meats, dairy products and the like will be provided for both institutions at a minimum cost. Further in this connection, the State Board of Prison Commissioners have already undertaken the construction of a power plant for the development of electric power on Race Track Creek, which plant is located only thirteen miles distant from this institution, and from which power and electricity can be provided at a minimum expense, thus tending further to reduce the cost of maintenance of this institution and of the state prison when under absolute state ownership and control. When this power plant is completed and the system inaugurated, as above suggested, of conducting the farm at this institution by the working of prisoners, it will reduce the monthly payroll which now exists under the contract system, and the state, not being required to pay taxes, and being in the market for large quantities of supplies such as groceries, clothing, bedding, furnishings, boots and shoes, coal and the like, your committee is of the opinion that the cost of maintenance of this institution can be reduced to the extent of, approximately, Fifty Thousand ($50,000.00) Dollars per annum.

The property offered to the State by the contractors, and their inventory price, which has been considered reasonable by persons called before your committee, as above indicated, is as follows:

Buildings and Furnishings	$499,999.67
Live Stock	33,855.00
Farm Implements	5,092.00
Groceries	2,940.55
Store Room Stock	3,695.75
Dry Goods	2,409.75
Land, comprising 4,880 acres of patented land, and 5,200 inches of good water rights for irrigation thereof, and also 800 acres of leased State Lands under fence contiguous to said patented land	235,000.00
Warm Springs	100,000.00
Total	$882,992.72

In coming to the agreement with the contractors with reference to the purchase price which should be paid by the state, your committee reports that it was able to get the contractors to accede to a reduction of Twenty-seven Thousand ($27,000.00) Dollars, on the buildings, in accordance with the recommendations of Mr. William V. Murray, and that urther, in bringing about an agreement as to the proper and reasonable valuation of the property, they were able to get the contractors to deduct the sum of $50,000.00 valuation by them placed upon the hot water springs on the premises, although your committee considered same of great value and benefit in connection with such an institution, as now exists or may nereafter be established.

And, further, in coming to an understanding as to what would be paid by the state, by persistence your committee persuaded the contractors to reduce their price on the entire property to the extent of One Hundred Fifty-five Thousand, Nine Hundred Ninety-two and 72-100 Dollars. ($155,992.72) additional, thus making the purchase price for this splendid plant and property in accordance with agreement, the sum of Six Hundred Fifty Thousand ($650,000.00) Dollars.

Independent of the low price at which this property can be secured by the state, there is a moral obligation which should be taken into consideration with reference to the copartnership of Mitchel & Musigbrod.

In 1877, Governor Potts, the Territorial Governor of Montana, requested Doctor A. H. Mitchell, then a practicing physician in the city of Deer Lodge, Montana, to make a bid for the care and maintenance of the territory's insane persons, then numbering thirteen, which were being cared for at hospitals not suitable for their proper care and treatment. Doctor Mitchell was induced to make bid for this contract and obtained the same, and in consequence made purchase of the present asylum property at Warm Springs. Doctor Mitchell and Doctor Charles F. Musigbrod then formed a copartnership and constructed at Warm Springs, buildings sufficient to accomodate this small number of patients, and opened, in connection therewith, a hotel and bathing resort. This resort became quite famous because of its management and hospitality, and at the time was the only hot springs establishment or resort in the territory. In the meantime the asylum continued to increase in size because of the additional number of insane persons, and in 1900 the hotel and resort was closed to the public owing to the increasing number of insane patients.

The institution has been conducted under the contract system continuously since 1877, and in making proper provision for the care of the state's insane the contractors have made expenditure of large sums of money in the construction of buildings and the purchase of equipment, and were the state now to refuse to entertain a fair and reasonable offer to purchase this property and go elsewhere to establish an entirely new institution, it would seem hardly fair or just. This institution is already thoroughly equipped, and there will be no delay or additional expense in building or in remodeling in order

to at once conduct it as a hospital for the care of the state's insane.

In the event of a land grant being made to the State by Congress in accordance with the measure recently introduced by Senator Carter, provision could be made to have the proceeds received from the sale and income of said lands applied for the redemption of said bonds, but, as Congress has not yet taken action upon this subject, and the only present available source for payment of said bond issue would be from the general treasury, therefore such proposed law would have to be submitted to the electors at the next general election in Novmber 1912, and in the event that the electors act favorably upon said question, independent of any land grant, the whole transaction could be fully consummated in November 1912, and were the State, in the meantime, or later, to be made the beneficiary of the land grant by Congress, this entire bond issue could be readily and without delay redeemed at an interest paying period with little, if any, drain upon the general treasury.

Respectfully submitted,

E. DONLAN,
Chairman.
R. LEE WORD.
E. O. SELWAY.
C. S. MUFFLY.
P. C. GILLIS.
NELSON STORY, JR.

On motion of Word the report of the Committee was adopted and 150 copies were ordered printed for the use of the Members of the House.

REPORTS OF STANDING COMMITTEES.

Lissner from the Committee on Enrollment reported as follows: Mr. Speaker:—

Your Committee on Enrollment to whom were referred House Bill No. 8, introduced by McMurry, a Bill for an Act entitled, "An Act appropriating money for the eradication of orchard pests and diseases from orchards in the State of Montana".

Also

House Bill No. 24, introduced by Bell, a Bill for an Act to provide an additional Judge for the Thirteenth Judicial District of the State of Montana so that there will be two Judges in said District.

Also

House Bill N. 32 introduced by Bell, a Bill for an Act making an appropriation for the expenses of the Farmers' Institutes for the months of January and February, 1911.

Also

House Bill No. 44, introduced by Bell, a Bill for an Act to amend Section 7121 of the Revised Codes of Montana providing for appeals from Justice or Police Court.

Also

House Bill No. 51, introduced by Martin, a Bill for an Act entitled, "An Act to amend Section 8312 of the Revised Codes in relation to

assault in the first degree, and to define and punish such assault."

Also

House Joint Resolution No. 2, introduced by Whaley, a Joint Resolution ratifying the Sixteenth Amendment of the Constitution of the United States, beg leave to report that the same are returned herewith properly enrolled.

Also

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 112 and 229 beg leave to report same back to the House as correctly printed.

Also

Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 214, introduced by Bell, being a bill for an Act entitled, "An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors and prescribing penalties," beg leave to report the same back to the House with the recommendation that the following amendment be made.

Amend Section 1, line 3, by adding the word "Sleeping" after the word "Buffet," making the sentence read "except in Buffet, Sleeping or Dining Cars," and with the above amendment we recommend that the bill do pass.

Reported adopted

Also

Byrnes, from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 221, introduced by Byrnes, being a bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars," beg leave to report the same back to the House with the recommendation that it do pass.

Reported adopted.

Also

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds to whom was referred House Bill No. 182, the same being a bill for an Act entitled, "An Act appropriating money for the maintenance of the State Orphans Home at Twin Bridges, Montana, for the years 1911 and 1912, and for the erection of permanent improvements at said Institutions," recommend that the same do pass, and the bill carrying an appropriation, under the order prevailing, should go, without further action, to the Appropriations Committee.

Report adopted, and same was referred to the Committee on Appropriations.

Also

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having had under consideration House Bill No. 55, the same being an act entitled, "An Act to prohibit the sale, giving, or otherwise furnishing of intoxicating liquors to drunkards, or to intoxicated persons, or to minors or Indians; and also prohibiting such persons from purchasing intoxicating liquors and prescribing a penalty," report the same back to the House with the Recommendation that the same do not pass, for the reason that House Bill No. 64, which was heretofore favorably recommended is practically the same as House Bill No. 55.

Report adopted.

Also

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having had under consideration House Bill No. 64, the same being a bill for an Act entitled, "An Act to amend Section 8380 of the Revised Codes of Montana of 1907, relative to the sale of intoxicating liquors to minors, drunkards or Indians; and prohibiting the purchase by such persons of intoxicating liquors and providing penalties for the violation thereof," hereby report the same back to the House with the following amendments:

That after the word "Codes" in the second line of the title we insert the words "of Montana."

That the words "providing penalties for the violation thereof," be added to the title and the words "prescribing a penalty" be stricken out.

That in line one of section one, after the word "Codes" the words "of Montana" be inserted.

That in line 8, Section 1, after the word "conviction" we add the words "in the discretion of the court."

That in line 18, Section One, after the word "Wilfully" the words "and knowingly" be stricken out.

And further recommend that the bill do pass as amended.

Report adopted.

Also

Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 123, a Bill for an Act entitled, "An Act creating the office of State Superintendent of Public Buildings, fixing his compensation and defining his power and duties," beg leave to report

that after having had the same under consideration report back with the recommendation that it do not pass.

Report adopted.

Also

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Township and Counties having had under consideration House Bill No. 80, the same being a Bill for an Act entitled, "An Act to amend Section 2760 of the Revised Codes of the State of Montana, 1907, relating to the issuance of licenses to retail liquor dealers," report the same back to the House with the recommendation that it be indefinitely postponed because of similarity to House Bill No. 113 heretofore recommended for passage.

Report adopted.

Also

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having had under consideration House Bill No. 113, the same being a Bill for an Act entitled, "An Act to amend Section 2760 of the Revised Codes of Montana of 1907, and to regulate the issuance of licenses to retail liquor dealers outside of the corporate limits of incorporated cities and towns," report the same back to the House with the following amendments:

That in Section 1, line 2, after the word "be" the words "and the same is hereby" be inserted.

That in Section 1, line 3, after the word and figures "Section 2760" the words "retail liquor dealers. Petition for licenses" be inserted.

That in Section 1, line 16, the word "they" be stricken out and the words "the Board of County Commissioners" be inserted and recommend that the same do pass as amended.

Report adopted.

Also

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having had under consideration House Bill No. 206, the same being a Bill for an Act entitled, "An Act to regulate the hours when saloons and retail stores shall remain closed," report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

By unanimous consent House Bill No. 79, a Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana, relating to licenses," was referred to Judiciary Committee.

Mr. Speaker at this time announced that he was about to sign

House Joint Resolution No. 2, a Joint Resolution ratifying the Sixteenth Amendment to the Constitution of the United States, and signed same in the presence of the House.

Also

House Bill No. 51, a Bill for an Act entitled, "An Act to amend Section 8312 of the Revised Codes in relation to assault in the first degree, and to define and punish such assault," and signed same in the presence of the House.

Also

House Bill No. 44, a Bill for an Act to amend Section 7121 of the Revised Codes of Montana, providing for appeals from Justice or Police Court, and signed same in the presence of the House.

Also

House Bill No. 32, a Bill for an Act making an appropriation for expenses of the Farmers' Institutes for the months of January and February, 1911, and signed same in the presence of the House.

Also

House Bill No. 24, a Bill for an Act to provide an additional Judge for the Thirteenth Judicial District for the State of Montana, so that there will be two Judges in said District, and signed same in the presence of the House.

Also

House Bill No. 8, a Bill for an Act entitled, "An Act appropriating money for the eradication of orchard pests and diseases of orchards in the State of Montana," and signed same in the presence of the House.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Helena, Mont., Jan. 30, 1911.

To the House of Representatives of the Twelfth Legislative Assembly:

Gentlemen:

It appearing that there will be a deficiency of Two Hundred and Fifty ($250.00) Dollars in the expense account of the Bureau of Child and Animal Protection up to March 1st, 1911, we hereby ask a deficiency appropriation to cover the same.

Very respectfully,

STATE BOARD OF EXAMINERS.

(Signed):

EDWIN L. NORRIS, President.

ALBERT J. GALEN, Attorney General.

A. N. YODER, Secretary.

Referred to Committee on Appropriations.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, January 30, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that, Senate Bill 95, was amended in Committee of the Whole, considered

engrossed, read three several times, and passed, and transmitted herewith for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

INTRODUCTION OF BILLS.

By unanimous consent Paul and Rodgers were granted permission to introduce one bill each without previous notice being given.

The following bills were introduced and placed on file:

By Paul, (With unanimous consent): H. B. No. 253, An Act entitled, "An Act to amend Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana, entitled, "Trust Deposit and Security Corporations," by adding thereto a section which shall be designated as section 3942-A of the Revised Codes of Montana, relating to the status, powers and term of existence of any corporation which has availed itself or attempted to avail itself of the benefits of the amendatory acts referred to in Section 3942 of the Revised Codes of Montana."

By Bell, H. B. No. 254: A Bill for an Act entitled, "An Act to amend Sections 5762 and 5763 of the Revised Codes of Montana of 1907 relating to the filing and duration of the lien of Chattel Mortgages and to the renewal of Chattel Mortgages and the duration of the lien created thereby."

By Bell, H. B. No. 255: A Bill for "An Act to amend Sections 7293 and 7299 of the Revised Codes of Montana of 1907, relating to the property affected by Mechanic's Liens, and the time within which actions to enforce such liens may be commenced."

By McQuitty, H. B. No. 256: A Bill for an Act entitled, "An Act to create the County of Merino, designate its boundaries and provide for its organization and government, and to change the boundaries of Meagher, Yellowstone, Sweetgrass and Fergus Counties to conform thereto."

By Duffy of Silver Bow, H. B. No. 257: A Bill for an Act to be entitled, An Act to define the words or terms, 'Lowest Responsible Bidder.'"

By Rodgers (With unanimous consent), H. B. No. 258: A Bill for an Act entitled, "An Act to provide that all persons hunting any deer, elk, Rocky Mountain goat, mountain sheep or other large game, shall wear as an outer garment, a scarlet red coat, waist or vest, and also a scarlet red hat or cap, and providing penalties for the violation of this Act."

By O'Flynn, H. B. No. 259: A Bill for an Act entitled, "An Act to amend Section 2692 of the Revised Codes of Montana, of 1907 relating to persons liable to poll tax."

By O'Flynn, H. B. No. 260: A Bill for an Act entitled, "An Act to amend Section 6244 of the Revised Codes of Montana, of 1907, relating to Justices of the Supreme Courts."

READING OF SENATE BILLS.

The following Bill was taken from the file:

S. B. No. 95, A Bill for an Act entitled, "An Act for preventing the manufacture, sale or transportation of adulterated insecticides and fungicides, and for regulating traffic therein, and fixing penalties for the violation of this Act," read first and second times by title only and referred to Committee on Horticulture.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 253, read first and second times by title only and referred to Committee on Banks and Banking.

H. B. No. 254, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 255, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 256, read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 257, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 258, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 259, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 260, read first and second times by title only, and referred to Committee on Judiciary.

No objection being offered, Mr. Speaker reverted back to the Sixth Order of Business.

MOTIONS AND RESOLUTIONS.

The following Resolutions were introduced:

House Joint Resolution No. 4, in relation to the purchase of new type-writing machines for the Twelfth Legislative Assembly and empowering the Secretary of State to dispose of any machines which in his judgment should be disposed of; and,

House Joint Resolution No. 5, a Joint Resolution providing for the inspection of the State Reform School at Miles City.

THIRD READING OF HOUSE JOINT RESOLUTIONS.

H. J. R. No. 4, having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett Higgins, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—58.

Noes—None.

Absent and not voting—Alley, Blackburn, Blake, Crouch, Donohue, Gillis, Holt, Johnson of Ravalli, Kammerer, Law, Lissner, McMurry, Reel, Swick and Woody—15.

Title agreed to.

House Joint Resolution No. 5 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Bernard, Binnard, Blackburn, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Englisa, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Mr. Speaker—52.

Noes—Macdonald, Tolman and Williams—3.

Absent and not voting—Alley, Baker, Berry, Blake, Brady, Crouch, Donohue, Gillis, Kammerer, Law, Lissner, McMurry, Nolan, Reel, Stevens, Swick, Woody and Word—18.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 111 and Substitute for H. B. No. 16, beg leave to report same back to the House as correctly printed.

No objection being offered, Mr. Speaker reverted back to the Second Order of Business.

NOTICE OF BILLS.

By Word: A Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of the Constitutional limit, and to provide for the issuance of bonds in the name of the State for the purchase of the property of Mitchell & Musigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the State's indigent insane, and others in need of Hospital attention and treatment, all in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2."

By Dobell: A Bill for an Act entitled, "An Act to establish the office of Clerk of the Montana State Fish Commission, and Clerk to the Director of the State Fish Hatchery, and providing for the appointment of Mrs. Charles B. Peyton as such clerk of the Montana State Fish Commission and clerk to the Director of the State Fish Hatchery, for the term of four years, and providing for the salary of such officer, and appropriating money out of the Fish and Game Fund for the payment of such salary."

THIRD READING OF HOUSE BILLS.

H. B. No. 174, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blackburn, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Ebert, Eliel, English, Hayes, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Lissner, Macdonald, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Ralston, Reser, Roberts, Sarter, Schwartz, Stevens, Story, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—50.

Noes—Baker, Burt, Gillis, Gray, Grubb, Law, Martin, Nelson, Paul, Rodgers, Slayton, and Tolman—12.

Absent and not voting—Berry, Blake, Brady, Donohue, Duffy of Granite, Holt, Kammerer, McMurry, Reel, Swick and Woody—11.

Title agreed to.

Moore of Valley moved that the title and history of all House Bills on the board to-day be considered as read at length.

On motion of Rodgers this motion was laid on the table.

H. B. No. 86, having been read three several times was passed by following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Hayes, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—57.

Noes—Grubb—1.

Absent and not voting—Bernard, Binnard, Crouch, Duffy of Silver Bow, Herbold, Hewett, Holt, Kammerer, Lissner, McMurry, Nolan, Reel, Sarter, Stevens and Woody—15.

Title agreed to.

The hour of 11:45 having arrived the Chief Clerk called the roll of the House and found all members present except those paired.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities to whom was referred House Bill No. 61, introduced by Woody, a Bill for an Act entitled, "An Act providing for a commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation."

House Bill No 70, introduced by Blackburn, a Bill for an Act entitled, "An Act to provide for the government of certain cities and the adoption thereof by special election additional to Part IV, Title 3, Revised Codes of the State of Montana."

House Bill No. 35, introduced by Holter, "A Bill for an Act to provide for the organization and government of municipal corporations and cities of the first and second class, within the State of Montana."

House Bill No. 154, introduced by Blake, "A Bill for an act to provide for the organization and government of cities of more than five thousand population, under a commission form of government, and the adoption thereof by special election; and repealing all Acts and Laws inconsistent or in conflict with this Act, in so far as the same relate to cities which adopt the provisions of this Act, as herein provided," having had said bills under consideration, beg leave to report back to the House a substitute measure for said bills, entitled, "Substitute for House Bills Nos. 70, 61, 35 and 154, introduced by Blackburn, Woody, Holter and Blake, a Bill for an Act entitled, "An Act providing for a commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," and respectfully recommend that said substitute bill do pass.

Report adopted.

Also

Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 62 introduced by Murray, a Bill for an Act entitled, "An Act to amend Section 2 of Chapter 130 of the Session Laws of the Eleventh regular session of the Legislative Assembly of the State of Montana, entitled an Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating to hunting and fishing licenses, the manner of issuing the same and providing a penalty for the violation of this Act," relating to hunting and fishing licenses, beg leave to report as follows:

We recommend that substitute for House Bill No. 62 introduced by Fish and Game Committee, a Bill for an Act entitled, "An Act to amend Section 2 of Chapter 130 of the Session Laws of the Eleventh regular Session of the Legislative Assembly of the State of Montana, entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating to hunting and fishing licenses, the manner of issuing the same, and providing a penalty for the violation of this Act," relating to hunting and fishing licenses do pass.

Report adopted.

Also

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 200, introduced by O'Hern, being a bill for an Act entitled, "An Act to amend Section 7027 of the Revised Codes of Montana of 1907, relating to undertakings on attachments in Justice of the Peace Courts and to exceptions to the sufficiency of the sureties on the undertakings," report the same back to the House and move that the same be amended by striking out the word "upon" in line 15 of Section 7027, after the word "days", and substitute in lieu thereof the words "after give," and as amended that it do pass.

Report adopted.

No objection being offered, Mr. Speaker reverted back to the Fifth Order of Business.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Blackburn, H. B. No. 261: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 1, Article VII, of the Constitution of the State of Montana, relating to the term of office of the Governor and Lieutenant Governor."

By Blackburn, H. B. No. 262: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2, Article V, of the Constitution of the State of Montana, relating to the term of office of Senators and Representatives of the Legislative Assembly."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 261, read first and second times by title only, and referred to Committee on Privileges and Election.

H. B. No. 262, read first and second times by title only, and referred to Committee on Apportionment and Representation.

Mr. Speaker at this time announced that he had added Duffy of Granite to the Committee on Highways.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except Meyer, Whiteside paired with Gray.

All the members of the House were found present except the following who were paired: Woody-Murray, Holt-McMurry, Nelson-Reed, Kammerer-Jordan, Gray-Whiteside.

The President finding a quorum of both bodies present, announced that pursuant to Section XV Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H.

Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Stautes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell and Gallwey—2.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—Everett—1.

For H. J. Haskell—McCone—1.

For R. R. Purcell—Muffly—1.

Total—26.

Absent—Meyer. Paired, Whiteside.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Word—20.

For W. G. Conrad—Alley, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Macdonald, Moore of Silver Bow, O'Flynn, Wheeler of Cascade and Mr. Speaker—17.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Grubb, Hewett, Hickey, Holter, Jacobson, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick and Williams—22.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For C. N. Pray—Reser—1.

For Ed Donlan—Tolman—1.

Total—64.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	27
For T. H. Carter	33
For W. G. Conrad	19
For W. R. Allen	4
For C. N. Pray	2
For T. M. Swindlehurst	1
For H. J. Haskell	1
For R. R. Purcell	1

For F. C. Webster 1
For Ed Donlan 1

Total 90
Absent, Senator Meyer 1
Paired: Woody-Murray,
Holt-McMurry,
Nelson-Reel,
Kammerer-Jordan,
Senator Whiteside, Rep.-Gray..... 10

Grand total 101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Donohue, the House took a recess at 12:15 o'clock P. M. to meet at 2 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTEES.

Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment desires to report that they transmitted to the Governor at 10:55 this morning, House Bills Nos. 32, 44, 8, 24 and 51, also House Joint Resolution No. 2.

MESSAGES FROM THE GOVERNOR.

The following communication was received from the Governor:

Executive Office, Helena, Montana, January 31, 1911.

The Speaker of the House Representatives,
House of Representatives,
Helena, Montana.

I have this day approved and deposited with the Secretary of State the following House Bills and Resolution:

H. B. No. 8—An Act appropriating money for the eradication of orchard pests and diseases from orchards in the State of Montana.

H. B. No. 24—An Act to provide an additional Judge for the Thirteenth Judicial District of the State of Montana so that there will be two Judges in said District.

H. B. No. 32—An Act making an appropriation for the expenses of the Farmers' Institutes for the months of January and February, 1911.

H. B. No. 44—An Act to amend Section 7121 of the Revised Codes of Montana providing for appeals from justice or police court.

H. B. No. 51—An Act to amend Section 8312 of the Revised Codes, in relation to assault in the first degree, and to define and punish such assault.

H. J. R. No. 2—A Joint Resolution ratifying the Sixteenth Amendment to the Constitution of the United States.

(Signed:) EDWIN L. NORRIS,
Governor.

MOTIONS AND RESOLUTIONS.

Higgins moved as follows:

Mr. Speaker:

In view of the opinion of the Attorney General recently given that the law does not require bills to be enrolled in long hand, I move you that the Committee on Enrollment be instructed to have all bills enrolled on type-writers, thereby insuring speed, legibility, accuracy and cleanliness and economy.

Lissner moved that this motion be laid on the table.

Motion to lay on table prevailed.

On motion of Berry the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Berry in the chair.

House resumed.

Mr. Speaker in the chair.

Berry from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 16, a Bill for an Act entitled, "An Act to regulate the sale of goods, wares and merchandise within the State of Montana known as prison-made goods," having had same under consideration report same back to the House with the recommendation that same be referred to the Committee on Labor.

Also having had under consideration Senate Bill No. 71, a Bill for an Act entitled, "An Act to amend Sections 7362 and 7363 of the Codes of Montana for 1907 relative to change of name," report same back to the House with the recommendation that same be concurred in.

Also having had under consideration House Bill No. 12, a Bill for an Act entitled, "An Act to provide for the designation of temporary county seats and for the location of permanent county seats in new counties or in counties in which the permanent county seat has not been located," report same back to the House with the recommendation that same do pass as amended.

Report of the Committee of the Whole adopted.

On motion of Baker, the House adjourned at 4:45 o'clock P. M. to meet tomorrow at 10 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Thirty-First Day.

Wednesday, February 1, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Kammerer and Woody.

On motion of Jordan the Journal of the Thirtieth Day as read was approved.

NOTICES OF BILLS.

By Stevens: A Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, as amended by an Act entitled, 'An Act to amend Section 2065 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines.' "

By Roberts: A Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907, relating to free County High Schools."

By Story: A Bill for an Act entitled, "An Act to prohibit the hunting of game, animals and game birds within a certain district in the State of Montana, defining the boundaries of said district, and providing punishment for the violation thereof."

By Reser: A Bill for an Act entitled, "An Act appropriating money for the payment of lost Bounty Claim."

By Hickey: A Bill for an Act entitled, "An Act providing for the payment of the expenses of contests of the seats of members of the Twelfth Legislative Assembly, and making an appropriation for such purpose."

By Tolman: A Bill for an Act entitled, "An Act relating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing for penalties for the violation of the provisions of this Act, and repealing all Acts and parts of Acts in conflict herewith."

By Lissner: A Bill for an Act entitled, "An Act defining the condition under which the payment of taxes by a person other than the Record Owner may be considered as evidence of adverse ownership or possession of Real Estate."

By Lissner: A Bill for an Act entitled, "An Act to amend Section

6439 of the Revised Codes of 1907, relating to adverse possession of real estate."

By Lissner: A Bill for an Act entitled, "An Act to regulate the practice of law in all the courts of the State of Montana, providing penalties for the violation thereof, and repealing Section 6388 of the Revised Codes of 1907."

By Bell: A Bill for an Act entitled, "An Act appropriating money for the relief of A. J. Sullivan and Deputy Veterinary Surgeons in Custer County, Montana."

By Blackburn: A Bill for an Act entitled, "An Act to repeal Section 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, and 625 of the Revised Codes of Montana of 1907, relating to voting machine."

REPORTS OF SELECT COMMITTEES.

The following reports of select committees were received:

Mr. Speaker:

The special joint committee of the House and the Senate appointed to recommend any changes of salaries for the State Officers and employees, having had under consideration House Bill No. 131, introduced by Word, a Bill for an Act entitled, "An Act to amend Sections 1218 and 1227 of the Revised Codes of Montana, 1907, and to fix the salaries of the Librarians of the Law Department and of the Historical and Miscellaneous Department of the State Library, and the salaries of Assistant Librarians and to provide for additional Assistants," beg leave to report the same back to the House with the recommendation that it be indefinitely postponed, for the reason that the matters referred to in the bill will be taken up by a bill to be introduced from the Joint Committee.

SELWAY,
Chairman, Finance and Claims.
BLACKBURN,
Chairman, Committee on Appropriations.

Also

Mr. Speaker:

The special joint committee of the House and the Senate, appointed to recommend any changes of salaries for the State Officers and Employees, having had under consideration House Bill No. 119, introduced by Tuttle, a Bill for an Act entitled, "An Act to amend Chapter 86, Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary," beg leave to report the same back to the House with the recommendation that it be indefinitely postponed, for the reason that the matters referred to in the bill will be taken up by a bill to be introduced from the Joint Committee.

SELWAY,
Chairman, Finance and Claims
BLACKBURN,
Chairman, Committee on Appropriations.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 213, 54, 209, 115 and Substitute for H. B. No. 166, beg leave to report same back to the House as correctly printed.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 203, 189 and 128, beg leave to report same back to the House as correctly printed.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 27, being a Bill for an Act entitled, "An Act to punish desertion of wife by husband," report the same back to the House and move that the same be amended by inserting in Section 1, line 2, after the word "wife" the words "and leave the State of Montana;" and by adding an additional section to be known as Section 2, as follows: "Section 2: That in any case prosecuted under the provisions of this Act, if it shall satisfactorily appear that previous to such desertion the wife has committed any act that would entitle the husband to a divorce from such wife, and such act had not been condoned by the husband, such husband shall not be deemed guilty of desertion."

That Section 2 be changed to Section 3, and Section 3 to Section 4.

Report the same back to the House with the recommendation that the same be concurred in as amended.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 130, introduced by Paul, being a bill for an Act entitled, "An Act requiring the County Assessor to furnish certified copies of his assessment book as to all property within the limits of incorporated cities and towns, and providing for his remuneration therefor," report the same back to the House and move that the same be amended by striking out the word "third" in line one, Section One, and substitute in lieu thereof the word "second;" and by striking out the word "June" in line two of Section One, and substituting in lieu thereof the word "July," and as amended that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 70, being a bill for an Act entitled, "An Act to provide for the support

of persons dependent on persons convicted and sentenced to the State Peitentiary," report the same back to the House and move that the same be amended by striking out the words in line six of Section One, as follows: "in which the prisoner is convicted and sentenced," and substituting in lieu thereof the following: "where such destitute person or persons reside at the time of such conviction and sentence." And amend Section Three by striking out the following in lines six, seven and eight, "from which the prisoner upon whom such destitute persons depend for support was convicted and sentenced," and substitute in lieu therof, "where such destitute person or persons reside at the time of such conviction and sentence," and as amended recommend that the same be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Hill No. 186, being a bill for an Act entitled, "An Act to validate filings heretofore made by corporations, domestic and foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks, or copies of Articles of incorporation or of Charters or Statutes under which such corporations were formed, when such copies are true and correct copies, but the same were not duly certified as such by the official custodian thereof in the Territory or State of Montana or in any other State or Territory, and providing for second filing of such articles, charters, or statutes, and the fees to be paid therefor," report the same back to the House with the recommedation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 75, being a bill for an Act entitled, "An Act amending Section 6356 of the Revised Codes of 1907, relating to the manner of summoning Jurors in District Courts," report the same back to the House, and move that the same be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 60, introduced by O'Hern, being a bill for an Act entitled, "An Act defining vagrancy, fixing the punishment therefor and repealing Section 88287 of the Revised Codes of the State of Montana, 1907," report the same back to the House and recommend that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 183, inrtoduced by Paul, being a bll for an Act entitled, "An Act creating the Eastern, Central and Western Judicial District of the State of Montant, and designating their boundaries, and providing for the appointment and election of a District Judge, in each of said Districts, and fixing the compensation of such Judges, and prescribing their duties, and providing for the payment of expenses incurred in carrying out the provisions of this Act," report the same back to the House and recommend that it do not pass.

Report adopted.

Also Macdonald from the Committee on Waterways and Navigation, reported as follows:

Mr. Speaker:

We your Committee on Waterways and Navigation, to whom was referred House Bill No. 85, introduced by Vaughan, being a bill or an Act entitled, "An Act providing for the construction of paddle wheels in all irrigation ditches and for conveying water from any of the streams in the State of Montana and providing a penalty for the violation thereof," beg leave to report that they having had the same under consideration, herewith return it to the House with the recommendation that a substitute bill entitled, a bill for an Act entitled, "An Act to authorize the State Game and Fish Warden to construct and place paddle wheels for the protection of game fish at the heads of various irrigating ditches and appropriating money therefor," do pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred House Bill No. 25, introduced by Donohue, being a bill for an Act entitled, "An Act to create the County of Wibaux, to define its boundaries, to provide for its organization and government and to alter the boundaries of the Counties of Dawson and Custer to conform to the boundaries of the County of Wibaux," after due consideration beg leave to report same back to the House with the recommendation that the bill be printed.

Report adopted.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printnig to whom was referred House Bills, Nos. 198, 217 and 228, beg leave to report same back to the House as correctly printed.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communications were received from the Governor.

Executive Office, Helena, Montana, February 1, 1911.

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

I have the honor to transmit the enclosed copy of a telegram this day received from the Acting President of the Panama-Pacific Exposition Commission, relaive to the selection of San Francisco as the site of the Panama-Pacific Exposition.

EDWIN L. NORRIS,
Governor.

Washington, D. C., Jan. 31, 1911.

Western Union Telegram, Rec'd. 9:15 A. M. Feb. 1.

Hon. Edwin L. Norris, Governor of Montana, Helena, Montana.

On behalf of the Committee in Washington, the people of California and the West, permit me to thank you and through you the people of your State for the valuable assistance rendered our cause by passing resolutions through your Legislative body, and for the many telegrams forwarded to the President of the United States expressing the desire of and showing the spirit of the West.

R. B. HALL,
Acting President Panama-Pacific Exposition Commission.

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

February 1, 1911.

I herewith submit the report and recommendations of the Commission heretofore appointed by me to prepare employer's liability and workmen's compensation acts for presentation to the Legislative Assembly.

It has long been recognized that some law should be enacted to prevent the multiplicity of personal injury actions that are litigated in our courts and that will insure some speedy and adequate recompense for injuries sustained by those who labor in hazardous occupations.

There is here presented the conclusion of men who have given to this question careful and conscientious consideration and their recommendations should materially aid you in solving this most vexing problem.

I desire to express my appreciation of the earnest efforts of the members of the Commission to present to the Assembly a comprehensive basis of Legislative action. I earnestly appreciate the interest manifested by Judge Holloway, who devoted much time and labor to the subject and attended the meeting of commissioners from various States, in Chicago in November last, in order that he might receive the benefits of the best thought of men expert in this character of legislation.

I recommend that the thanks of the Assembly be extended to the Commission, and that the members of this and other Commissions whose

reports have been transmitted to the Twelfth Assembly be compensated to the amount of the actual expenses by them incurred.

EDWIN L. NORRIS, Governor.

Hon. Edwin L. Norris, Governor of Montana.

Dear Sir: The commission appointed by you to consider the question of employers liability and workmen's compensation and to report the result of our investigation, with drafts of bills dealing with these subjects, respectfully submit:

The commission consists of W. F. Meyer, of Red Lodge; C. W. Goodale and J. H. Hall of Great Falls; H. G. Miller of Kalispell; J. C. Lowney and J. E. McNally of Butte; Neil Collins of Anaconda, and Wm. L. Holloway of Bozeman. The first meeting for the organization of the commission was held in Helena on October 1, 1910. We secured numerous treatises, statistical reports and other matter dealing with the subjects and devoted our time to study and investigation. We have not had any available funds to defray expenses of public hearings and have not been able to accomplish much by way of disseminating information concerning the work before us.

While the subject of compensation for industrial accidents without reference to fault is comparatively new in this country, it has received the most careful consideration from leading statesmen of European countries for twenty-five years or more, and today Turkey and our own country are the only leading civilized nations which adhere to the theory of the common law or liability statutes. More than eighty thousand employees are killed or injured every year in the railroad service of this country, and more than half a million employees are killed or injured in the hazardous enterprises. Under existing laws damages can be recovered in but a small percentage of these cases. Statistics show that more than half of all these accidents are chargeable directly to the ordinary risks of the business and cannot be traced to the negligence of any one. The defenses of contributory negligence and negligence of fellow servants prevent recovery in many more instances. Even in the comparatively few cases which can be prosecuted, the expense, delay and uncertainty of jury trials condemn our present system as altogether inadequate to meet the present conditions of business activity.

On January 6 and 7 our commission held a public meeting in Helena, and a few interested persons attended and took a part in the proceedings. On January 27 and 28 we met for some final determination, and at this meeting a majority of the commissioners agreed upon a general plan which is evidence by this report. Attached to, and made a part hereof, are forms of two bills. The enactment of both of these measures is essential to carry out the spirit of the plan which we hereby recommend.

The first bill provides a comprehensive scheme of compensation for injuries incurred by workingmen in the extra-hazardous employments, and takes from the employer the defenses of fellow servants' negligence and assumption of risk, and the defense of contributary negligence except to the extent indicated. The second bill limits the amount of recovery for death or injury by wrongful act.

The purpose of the compensation Act is to provide some measure of relief to every workman injured in these employments and to the dependents of every workman killed, without reference to the question of fault. If enacted into law, this measure will act automatically, and the compensation will be received at the time of the injury without delay or expense. In order to secure a majority favorable to any given plan, it was necessary for the commissioners to make concessions from the views entertained by them individually, and the draft of this compensation bill represents in its general plain only, the views of those who concur in this report.

The measure limiting liability is intended to prevent the ambulance-chasing attorneys—if any there are in this State—from over persuading an injured workman or the dependents of a workman killed, to go into court in preference to accepting compensation.

The obvious effect of these measures, if enacted into law, will be to lessen litigation in this class of cases. If the amount of recovery is limited and the net amount which the injured employee or the dependents of the employee killed, can realize from litigation is not any more than he or they could obtain under the compensation Act, then the incentive to litigate is removed and the employee or his dependents will not risk the hazards of a lawsuit, with its attendant vexations and delays, when he or they can secure substantially the same amount without expense or delay.

These measures, if enacted and availed of, will prove of infinite benefit to workingmen engaged in these hazardous enterprises. The employee will know in advance that for every injury sustained, he will receive some compensation, while under the present system the statistics show that in a large percentage of the cases there cannot be any recovery at all. The employer will know in advance the limit of his liability, while under the present system he cannot ascertain this fact until the conclusion of an expensive lawsuit. But the employer and employee are not the only ones interested from a financial standpoint. Any decrease in this class of litigation will save to the taxpayers of the State a proportional amount of court costs and expenses.

It will be apparent at once that the enactment of eitehr one of these measures, and not both, will work an injustice, but because of the inhibition of our Constitution against any Act comprehending more than a single subject, we are unable to draft a measure covering all of these matters. It appears necessary to have two separate bills, but they are so intimately connected that neither one should become a law unless both meet with the same favorable consideration by the Legislature.

The theory of a compensation law is that the industry should bear the risk of injury to workingmen, just as it bears the risk of injury to machinery, instead of imposing the risk upon the men employed, as under present laws. Every industry now calculates the expense of repairing and renewing machinery as a part of the cost of production, and the leading civilized nations of the earth have advanced to that humanitarian stage where they insist that the expense of caring for injured

employees and the dependents or employees killed, shall likewise be added to, and made a part of, the cost of operation. These measures have had a successful experience covering many years in European countries. The United States and the State of New York have recently abandoned our present system for compensation law.

We have been unable to have all members of the commission present at any meeting, and the result of our work must speak for itself. The members of the commission who do not join in this report, either declined to participate in our deliberations or do not agree with our conclusions.

In view of the fact that the subject of compensation for accidental injuries is a new one in this country, the draft of the proposed bill herewith submitted will doubtless be found to contain many imperfections. We have not given much attention to the legal questions which will arise upon the enactment of a law of this character; but every question which the ingenuity and learning of eminent counsel in other States can suggest has been carefully considered and passed upon by attorneys for other commissions, and elaborate briefs are available if desired.

Whether or not these proposed measures are enacted into laws, we suggest the advisability of your recommending to this Legislative Assembly that a commission be created to continue the investigation, observe the operation of similar legislation elsewhere and report to the next regular session of the Montana Legislature. All of which is respectfully submitted.

(Signed) J. C LOWNEY,
NEIL COLLINS,
J. E. McNALLY,
WM. L. HOLLOWAY,
W. F. MEYER,
J. H. HALL.

On motion of Story, Mr. Speaker appointed a Special Committee of three for the consideration of the Governor's message.

Mr. Speaker appointed the following on said Committee:

Kirschwing, Brady and Story.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Bernard, H. B. No. 264: A Bill for an Act entitled, "An Act to amend Section 5769, Chapter 3, Title 14, Part 4, Division 3 of the Civil Code of the Revised Codes of the State of Montana, relating to foreclosure of mortgages on personal property."

By Bernard, H. B. No. 265: A Bill for An Act entitled, "An Act to authorize District Judges, Justices of the Peace and Police Magistrates to suspend sentences upon a conviction for a first offense."

By Committee on Waterways and Navigation, H. B. No. 266: A Bill for an Act entitled, "An Act to provide for the manner of holding certain lands belonging to the State of Montana."

By Commitee on Waterways and Navigation, H. B. No. 267: A

Bill for an Act entitled, "An Act to provide for the inspection of steam boats and all other boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana, to provide for their inspection and for the appointment of an Inspector of Boats, to define his duties, to provide for his compensation and to provide sailing rules for all such boats and for the general superintendance and control of navitgation by the State Board of Railroad Commissioners and providing a penalty for the violation of any of the provisions of this Act."

By Byrnes, H. B. No. 268: A Bill for an Act entitled, "An Act to amend Subdivision 1 of Section 453 of the Revised Codes of Montana of 1907, relating to proclamations of Elections by the Governor."

By Grubb, H. B. No. 269: A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie, for salary as Meat and Milk Inspector for Flathead County, between September 18, 1906, and April 20, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, 1515, Part III, Title VII, Chapter 1, Article II, of the Revised Codes of Montana.

By Byrnes, H. B. No. 270: A Bill for an Act entitled, "An Act to amend Section 545 of the Revised Codes of Montana, of 1907, in relation to the form of ballot to be used at elections."

By Nolan, H. B. No. 271: A Bill for an Act entitled, "An Act to appropriate $5,000.00 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a Commission to assist in the erection of Memorial."

By Donohue, H. B. No. 272: A Bill for an Act entitled, "An Act to amend Section 6506 of the Revised Codes of 1907, relating to change of place of trial of causes of action."

By Nolan, H. B. No. 273: A Bill for an Act providing for bonding fire districts in unincorporated cities and towns.

By Joint Committee, appointed pursuant to Senate Joint Resolution No. 2, for the purpose of investigating and reporting with respect to the advisability of the State making provision for the care of its insane, H. B. No. 274: A Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of the constitutional limit and to provide for the issuance of bonds in the name of the State for the purchase of the property of Mitchell & Musigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the State's indigent insane, and others in need of hospital attention and treatment, all in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2."

By Dobell, H. B. No. 275: A Bill for an Act entitled, "An Act to establish the office of Clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, and providing for the appointment of Mrs. Charles B. Peyton as such Clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, for the term of four years, and providing for the salary of such

officer, and defining the duties of such officer, and appropriating money out of the Fish and Game Fund for the payment of such salary."

By Whaley, H. B. No. 276: A Bill for an Act entitled, "An Act to amend Section 3003 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of County Treasurers, to provide for the payment of interest on public money, and for the furnishing of official bonds by such officers."

By Blackburn, H. B. No. 277: An Act to amend an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported, or registered and providing penalties for the breach of the same," which Act was approved on March 5th, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalties for the breach of the same."

By Blackburn, H. B. No. 278: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Article XVI of the Constitution of the State of Montana, by adding thereto a Section to be known as Section 7, relating to the consolidation of County and City Governments."

By Gillis, H. B. No. 279: A Bill for an Act entitled, "An Act to permit railroad companies to carry free, or at reduced rates, persons and property in certain cases."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 264, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 265, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 266, read first and second times by title only, and referred to Committee on Waterways and Navigation.

H. B. No. 267, read first and second times by title only, and referred to Committee on Waterways and Navigation.

H. B. No. 268, read first and second times by title only, and referred to Committee on Privileges and Election.

H. B. No. 269, read first and second times at length and referred to Committee on Libraries.

H. B. No. 270, read first and second times by title only, and referred to Committee on Privileges and Election.

H. B. No. 271, read first and second times at length and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 272, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 273, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 274, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 275, read first and second times at length and referred to Committee on Fish and Game.

H. B. No. 276, read first and second times by title only, and referred to Committee on Banks and Banking.

H. B. No. 277, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 278, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 279, read first and second times by title only, and referred to Committee on Railroads and Transportation.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 208, introduced by Law, an Act entitlde, "An Act appropriating money to pay W. L. Faulkner, J. E. Cudney, John Stukie, W. O. Bohart, F. N. Foerchler, W. J. Crittenden, E. H. Davison and J. E. Donohue, for certain live stock slaughtered by the State Veterinarian and Deputy Vetrinarian in the years 1908 and 1909," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 199, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act providing for the payment of interest by the State on bounty claims presented and unpaid, and appropriating money therefor," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 167, introduced by Word, an Act authorizing the Montana Children's Home Society to take from the Orphans' Home at Twin Bridges dependent children and place them in carefully selected homes for adoption and to provide compensation for the placing and caring for them,"

having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass, with the following amendments:

Amend Section 1 by inserting after the word "Bridges" in line three, the words "by and with the consent of the Superintendent of said Home."

Amend Section 2 by adding after the word "advantages" in line four the following: "And shall by proper contract entered into with the State of Montana undertake to exercise proper supervision over the children so placed until they reach their majority, such contract to be filed and preserved at the Orhpans' Home at Twin Bridges."

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Substitute for House Bill No. 13, introduced by McNally, "A Bill for an Act in aid of the disability fund of fire departments in incorporated cities for the relief of sick, injured and retired firemen, and the pensioning of the widows and orphans of deceased firemen, and assigning to said fund certain portions of the licenses derived by the State from Fire Insurance Companies doing usiness within the State," having had said bill under consideration, beg leave to report back to the House that same be referred to the Committee on Ways and Means.

Report adopted.

Macdonald moved that the motion by which the report of the Committee on New Counties and Divisions, relating to the creating of the County of Wibaux, was adopted, be reconsidered.

Gillis moved as an amendment that this bill be re-committed to the Committee on New Counties and Divisions.

Amendment prevailed.

On motion of Berry, the Senate was invited to sit in the House at 2:30 o'clock this afternoon to take part in the proceedings in conjunction with H. B. No. 147, which has been made a special order for that hour.

Lissner moved that one of the six new typewriters just purchased be placed in the Enrolling Committee room for the use of the Committee on Enrollment.

On motion of Duffy of Granite this motion was laid on the table.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 31, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices were this day given:

By Groff: A Bill for an Act entitled, "An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of spotted fever and appropriating money therefor."

By Survant: A Bill for an Act entitled, "An Act to prohibit discrimination between different sections, communities or localities unfair competition and providing penalties for the violation thereof."

By Survant: A Bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana of 1907, as amended by Chapter 56 of the Session Laws of 1909."

By Everett: A Bill for an Act entitled, "An Act to create and establish a Department of Banking, and providing for the appointment of a Superintendent of Banks and Bank Examiners."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 31, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 117, by Gallwey: A Bill for an Act entitled, "An Act regulating the issuance of State Certificates to teachers who have county professional certificates and who have successfully taught in the public school of this State." Referred to Committee on Education.

Senate Bill No. 118, by Mufffy: A Bill for an Act entitled, "An Act prescribing the time within which every person, association, company or corporation, engaged in purchasing, smelting, milling, or otherwise preparing ores, minerals or metals for market, for others, shall settle with and pay to the consignors thereof the amounts due thereon, and prescribing penalties for the violation of this Act." Referred to Committee on Mines and Mining.

Senate Bill No. 119, by Joint Committee, appointed pursuant to Senate Joint Resolution No. 2, for the purpose of investigation and reporting with respect to the advisability of the State making provision for the care of its insane: Being a Bill for an Act entitled, "An Act to appropriate money to be applied by the State in the purchase of the property of Mitchell & Musigbrod, located in Deer Lodge County, Montana, to enable the State to at once take over such property and use the same for the care of the indigent insane, and others in need of hospital attention and treatment, in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2, and authorizing the State Board of Examiners to apply surplus money in the general treasury on the purchase of said property." Referred to Committee on Finance and Claims.

Senate Bill No. 120, by McCone: A Bill for an Act entitled, "An Act to require bonds from abstractors and to provide security to the public against error, omissions and defects in abstracts of title of real estate, and for the use of abstractors in evidence, and to provide a penalty for the violation thereof." Referred to Committee on Judiciary.

Senate Bill No. 121, by Stout: A Bill for an Act entitled, "An Act to provide for the recovery of attorney's fees in actions in Justices'

Courts and fixing the amount thereof." Referred to Committee on Judiciary.

Senate Bill No. 122, by George: A Bill for an Act entitled, "An Act to amend Sections 7293 and 7299 of the Revised Codes of Montana of 1907, relating to the property affected by mechanics' liens, and the time within which actions to enforce such liens may be commenced." Referred to Committee on Judiciary.

Senate Bill No. 123, by Survant: A Bill for an Act entitled, "An Act to provide that all boxes, packages, cans and cartons containing goods, wares and merchandise shall have stamped thereon the net weight therein contained, and providing penalties for the violation thereof." Referred to Committee on Agriculture and Manufacture.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, January 31, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 34, was this day read first and second times, and referred to Committee on Agriculture and Manufacture; also

House Bill No. 50, was this day read first and second times, and referred to Committee on Fish and Game; and,

House Bill No. 68, was read first and second times and referred to Committee on Fish and Game; and

House Bill No. 95, was read first and second times, and referred to Committee on Corporations other than Municipal.

House Bill No. 7, read first and second times and referred to Committee on Corporations other than Municipal.

House Bill No. 120, read first and second times and referred to Committee on Corporations other than Municipal; also

House Bill No. 132, read first and second times and referred to Committee on Corporations other than Municipal; and,

House Bill No. 171, read first and second times and referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

No objection being offered, Mr. Speaker reverted back to the Sixth Order of Business.

MOTIONS AND RESOLUTIONS.

Baker moved as follows:

Mr. Speaker:

I move that when the House resolves itself into Committee of the Whole today for the consideration of General Orders, that all speeches be limited to two minutes and that no person be permitted to speak more than once upon one question, except the introducer of the bill under consideration.

On motion of Kirschwing, this motion was laid on the table.

At this time, Tolman upon request, was excused by Mr. Speaker from the House until this afternoon.

No objection being offered, Mr. Speaker reverted back to the Second Order of Business.

NOTICES OF BILLS.

By Paul: A Bill entitled, "An Act to amend Section 9717 of the Revised Codes of 1907, relating to the control of the State prison, prisoners therein and employees, and fixing the compensation of certain employees."

By Gray: A Bill for an Act entitled, "An Act to amend Section one of Chapter 38 of the Laws of the Eleventh Regular Session of the State of Montana, as approved February 27th, 1909, in relation to an Act to provide for the erection of Dock and Wharves on the Navigable waters within the State of Montana, and to provide for their management and control."

No objection being offered, Mr. Speaker reverted back to the Fifth Order of Business.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By O'Hern, H. B. No. 280: A Bill for an Act entitled, "An Act to amend Chapter 2, Part 2, Title 4, of the Revised Codes of Montana of 1907, by adding thereto an additional Section to be known as Section 6533-A, relating to pleading in the alternative."

READING OF BILLS.

The following bill was taken from the file:

H. B. No. 280, read first and second times by title only, and referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS.

S. B. No. 71 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—60.

Noes—Grubb—1.

Absent and not voting—Baker, Bernard, Berry, Burt, Duffy of Silver Bow, Holter, Kammerer, Moore of Silver Bow, Nolan, Owenhoue, Swick and Woody—12.

Title agreed to.

The hour of 11:45 o'clock A. M. having arrived, the Chief Clerk

called the roll of the House and found all members present except those who were paired.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except the following, who were paired: Woody-Murray, Kammerer-Jordan.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell and Gallwey—2.

For W. R. Allen—Burlingame, McCone and Sykes—3.

For T. M. Swindlehurst—Conrow and Whiteside—2.

For C. H. Pray—Everett—1.

For F. A. Long—Larson—1.

For R. R. Purcell—Muffly—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Baker, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow and Word—22.

For W. G. Conrad—Alley, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Macdonald, O'Flynn, Wheeler of Cascade and Mr. Speaker—16.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Moore of Valley, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton Stevens, Story, Swick and Williams—24.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For F. A. Long—Jacobson—1.

For Jacob de Hart—Moore of Silver Bow—1.
For C. N. Pray—Reser—1.
For W. F. Meyers—Tolman—1.
Total—69.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	29
For T. H. Carter	35
For W. G. Conrad	18
For W. R. Allen	5
For T. M. Swindlehurst	2
For C. N. Pray	2
For F. A. Long	2
For R. R. Purcell	1
For F. C. Webster	1
For Jacob de Hart	1
For W. F. Meyer	1
Total	94
Paired—Murray-Woody, Jordan-Kammerer	4
Grand total	101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Donohue moved that a recess be taken until 2 o'clock P. M.

House took a recess at 12:15 o'clock P. M. to meet at 2 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

THIRD READING OF HOUSE BILLS.

H. B. No. 156 having been read three several times was recommitted to the Committee on Live Stock and Public Ranges.

H. B. No. 170, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law,

Lissner, Macdonald, McMurry, McNally, Martin, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—68.

Noes—None.

Absent and not voting—Kammerer, McQuitty, Moore of Silver Bow, Nelson and Woody—5.

Title agreed to.

H. B. No. 47 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—67.

Noes—None.

Absent and not voting—Gillis, Kammerer, McQuitty, Moore of Silver Bow, Nelson and Woody—6.

Title agreed to.

H. B. No. 127, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Ebert, Eliel, English, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—62.

Noes—Duffy of Granite, Herbold, Holt and Slayton—4.

Absent and not voting—Duffy of Silver Bow, Gillis, Holter, Kammerer, McQuitty, Moore of Silver Bow and Woody—7.

Title agreed to.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 1st, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the communication from the House regarding the invitation to the Senate to sit with the House beginning at 2:30 P. M. today, while House

Bill No. 147 is to be under consideration, was respectfully declined by the Senate as a body.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

On motion of Berry the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

O'Hern in the chair.

House resumed.

Mr. Speaker in the chair.

O'Hern from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 147, a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section Two of Article Nine of the Constitution of the State of Montana, relating to rights of suffrage and qualifications to hold office," having had same under consideration report same back to the house with the recommendation that it do pass as amended.

On motion of Berry and fifteen of the members present seconding same, a call of the House was had.

On motion of Binnard further proceedings under the call of the House were suspended and the report of the Committee of the Whole was adopted by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blake, Burt, Dobell, Donohue, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, McMurry, Moore of Valley, Murray, Nolan, O'Hern, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Tolman, Tuttle, Vaughan, Williams and Word—38.

Noes—Alley, Binnard, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hickey, Higgins, Johnson of Lewis and Clark, Kirschwing, Law, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Nelson, O'Flynn, Owenhouse, Paul, Reel, Rodgers, Stevens, Swick, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Mr. Speaker—32.

Absent and not voting—Byrnes, Kammerer and Woody—3.

On motion of Blake the House adjourned at 4:35 o'clock P. M. to meet tomorrow at 10 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Thirty-Second Day.

Thursday, February 2, 1911.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Moore of Silver Bow and Woody.

On motion of Reel the Journal of the Thirty-first Day as read was approved.

NOTICES OF BILLS.

By Whaley: A Bill entitled, "An Act to abolish the offices of State Game and Fish Warden and Deputy Game and Fish Wardens, and to impose the duties of such officers upon the the Sheriffs and their Deputies in the several counties of this State."

By Byrnes: A Bill for an Act entitled, "An Act to enable the State of Montana to purchase 400 maps of the State of Montana for State and School purposes."

By Rodgers—A Bill for an Act entitled, "An Act concerning Building and Loan Associations, and to provide for their organization, and defining the purpose and powers thereof, and providing penalties for the violation of such Act."

REPORTS OF STANDING COMMITTES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 129, 66, 211 and Substitute for House Bills Nos. 10 and 46, beg leave to report same back to the House as correctly printed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 12, introduced by Law, a Bill for an Act entitled, "An Act to provide for the designation of temporary County Seats and for the location of permanent County Seats in new counties in which the permanent County Seat has not been located," and

House Bill No. 91, introduced by Eliel, "A Bill for an Act to authorize the appointment of one or more Commissioners for the admeasurement and division of water under a decree or decrees of Court in certain cases, and prescribing his or their duties and compensation," as being correctly engrossed.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred House Bill No. 220, introduced by Donohue, the same being a bill for an Act

entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain county and state officers in connection therewith, prescribing penalties and repealing Sections 1045 to 1110 inclusive, of the Revised Codes of Montana of 1907," having had same under consideration report the same back to the House with the recommendation that the same pass as amended, as follows:

Amend Section 20, Article 10, as follows: Strike out the words "Two Thousand Four Hundred Dollars," also the figures "$2400.00," and substitute the words "One Thousand Eight Hundred Dollars," and the figures "$1800.00." In line 4, Section 20, Article 10, strike out the words "Eighteen Hundred Dollars," also the figures "1800.00" and substitute the words "Six Hunderd Dollars," and the figures "$600.00."

Amend Section 21, line 16, as follows: Strike out the words "Eight Hundred Dollars," also the figures "$800.00," and substitute the words "Six Hundred Dollars," and the figures "$600.000."

Amend Section 74, line 5, as follows: Strike out the words "The Judge of the District Court," and after the word "troops" in line 9, strike out the following: "Shall receive only general direction from the civil authorities requesting aid, and"

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 101, introduced by Whiteside, being a bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector," report the same back to the House and recommend that the same be concurred in.

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance to whom was referred Senate Bill No. 69, introduced by Tooley, the same being a bill for an Act entitled, "An Act authorizing the Commissioner of Insurance to examine into the affairs of any corporation, association or company in process of organization or being promoted in this State for the purpose of transacting the business of insurance, and providing for the publication of the result of such examination if deemed expedient and necessary," recommend that the House do concur with the Senate in same

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 77, introduced by Byrnes, the same being a Bill for an Act entitled, "A Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary and defining his duties;

and defining the duties and powers of certain other officials in relation thereto," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 143, introduced by O'Flynn, being a Bill for an Act entitled, "An Act providing for the regulation and control of domestic and foreign Fraternal Benefit Societies, Associations and Corporations in the State of Montana," report same back to the House and move that the same be amended by striking out the word "less" in line 13, paragraph 3, Section 23, and substituting in lieu thereof, the word "more," and as thus amended, they recommend that it do pass.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred House Joint Memorial No. 2, introduced by Ralston, the same being a Bill for an Act entitled, "Memorial to Congress praying for the enactment of legislation that will relieve the surviving soldiers (or their widows) who served in the Indian Wars from 1865 to 1888," approved by Committee, report the same back to the House and recommend same do pass.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Waterways and Navigation, H. B. No. 281, a Bill for an Act entitled, "An Act to regulate the use and occupancy of navigable waters of the State of Montana, and providing for the violation thereof."

By Hickey, H. B. No. 282: A Bill for an Act entitled, "An Act providing for the payment of the expenses of contests of seats of members of the Twelfth Legislative Assembly of the State of Montana, and making an appropriation for such purpose."

By Paul, H. B. No. 283: A Bill for an Act entitled, "An Act to amend Section 9717 of the Revised Codes of 1907, relating to the control of the State Prison, prisoners therein, and employees, and fixing the compesation of certain employees."

By Byrnes, H. B. No. 284: A Bill for an Act entitled, "An Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, being Sections 637 and 638 of the Revised Codes of Montana of 1907, relating to the election of United States Senators."

By Lissner, H. B. No. 285: A Bill for an Act entitled, "An Act defining the condition under which the payment of taxes by a person other than the record owner may be considered as evidence of adverse own-

ership or possession of real estate."

By Bell, H. B. No. 286: A Bill for an Act entitled: "An Act appropriating money for the relief of A. J. Sullivan by the payment of a claim of said A. J. Sullivan for horses slaughtered by the State and Deputy Veterinary Surgeons in Custer County, Montana."

By Lissner, H. B. 287: A Bill for an Act entitled, "An Act to regulate the practice of law in all the Courts of the State of Montana, providing penalties for the violation thereof, and repealing Section 6388 of the Revised Codes of 1907."

By Reser, H. B. No. 288: A Bill for an Act entitled, "An Act appropriating money for the payment of Lost Bounty Claim."

By Bernard, H. B. No. 289: A Bill for an Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith."

By Wheeler of Silver Bow, H. B. No. 290: A Bill for an Act entitled, "An Act to prohibit the possession, sale or other disposal of toy pistols and appliances for the use of blank cartridges or caps containing explosive substance, and of blank cartridges, caps or other explosive substance intended for use in toy pistols or other such appliances."

By Gray, H. B. No. 291: A Bill for an Act entitled, "An Act to amend Section One of Chapter 38, of the Laws of the Eleventh Regular Session of the State of Montana, as approved February 27th, 1909, in relation to an Act to provide for the erection of Dock and Wharves on the navigable waters within the State of Montana, and to provide for their management and control."

By Tolman, H. B. No. 292: A Bill for an Act regulating marriages and the issuance of marriage licenses, prohibiting marriages in certain cases, providing penalties for the violation of the provisions of this Act, and repealing all Acts and parts of Acts in conflict herewith.

By Roberts, H. B. No. 293: A Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907, relating to free County High Schools."

By Reel, H. B. No. 294: A Bill for an Act to amend Sections 3178 and 3180 of the Revised Codes of Montana, 1907, relating to the per diem and mileage of jurors in Courts of record."

By Nolan, H. B. No. 295: A Bill for an Act to amend Section 2077 of the Revised Codes, relating to officers, by-laws and exempt fire men of fire companies in unincorporated cities and towns, and to provide for the election, by the taxpayers of fire districts in unincorporated towns, of a Bo odcfraiterd on BicyF(BpHPgfUtofSslba:8,axzf ,o1Z.cit towns of a board of directors, and defining the powers and duties of such board, and to amend Section 2081 of the Revised Codes relating to the levy of taxes upon property within fire districts in unincorporated cities and towns."

By Stevens, H. B. ..o. 296: A Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, as amended by an Act entitled, "An Act to amend Section 2065 of the

Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines," approved March 4, 1909, and to amend Section 2057 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soliders, sailors and marines."

By Blackburn, H. B. No. 297: A Bill for an Act entitled, "An Act to repeal Sections 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625 of the Revised Codes of Montana, 1907, relating to voting machines."

READING OF BILLS.

The following Bills were taken from the file:

H. B. No. 281, read first and second times by title only, and referred to Committee on Waterways and Navigation.

H. B. No. 282, read first and second times at length, and referred to Committee on Privileges and Election.

H. B. No. 683, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 284, read first and second times by title only, and referred to Committee on Privileges and Election.

H. B. No. 285, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 286, read first and second times at length, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 287, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 288, read first and second times at length, and referred to Committee on Live Stock and Public Ranges.

H. B. No. 289, read first and second times at length and referred to Committee on Corporations other than Municipal.

H. B. No. 290, read first and second times by title only, and referred to Committee on Internal Improvements.

H. B. No. 291, read first and second times by title only, and referred to Committee on Waterways and Navigation.

H. B. No. 292, read first and second times by title only, and referred to Committee on Sanitary Affairs.

H. B. No. 293, read first and second times by title only, and referred to Committee on Education.

H. B. No. 294, read first and second times by title only, and referred to Committee on Mileage and Per Diem.

H. B. No. 295, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 296, read first and second times by title only, and referred to Committee on Military Affairs.

H. B. No. 297, read first and second times by title only, and referred to Committee on Apportionment and Representation.

MESSAGES FROM THE SENATE.

The folloiwng communications were received from the Senate:

Senate Chamber, Helena, Montana, February 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 27, having been read three several times and concurred in as amended is herewith returned for concurrence in Senate Amendments to the above numbered bill.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 18, 100, 92, 82, 83, 80, 45, 79 and 2, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 6, introduced by Whaley, being a Bill for an Act to amend Section 6364, Revised Codes of Montana, of 1907, relating to empanelling of grand jurors," having been read first and second times and referred to Committee on Judiciary, committee recommend that bill be not concurred in, report adopted, and House Bill No. 6 is herewith returned.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 124, by Everett (by request): A Bill for an Act entitled, "An Act to create and establish a department of Banking; to provide for the appointment of a Superintendent of Banks and Bank Examiners, and fixing their compensation; defining the powers and duties of such Superintendent of Banks and Examiners, to provide for a system of examination, audit and control of state banks, savings banks, trust companies, building and loan associations, individual bankers, private banks and banking associations, other than national banks; fixing the fees for examination under the provisions of this act, and providing penalties for the violation thereof." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 125, introduced by Groff: A Bill for an Act en-

titled, "An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of Rocky Mountain Spotted Fever and appropriaing money therefor." Referred to Committee on Finance and Claims.

Senate Bill No. 126, by Survant: A Bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana of 1907, as amended by Chapter 56 of the Session Laws of 1909." Referred to Committee on Railroads and Transportation.

Senate Bill No. 127, by Survant: A Bill for an Act to prohibit discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof." Referred to Committee on Railroads and Transportation.

Senate Bill No. 128, by Donlan: A Bill for an Act entitled, "An Act fixing the time for the opening and closing of saloons in unincorporated cities, towns and villages and providing penalties." Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 86, introduced by Wheeler of Silver Bow, was this day read first and second times and referred to Committee on Judiciary; and,

House Bill No. 174, introduced by Wheeler of Silver Bow, was this day read first and second times and referred to Committee on Counties, Towns and Municipal Corporations; also

House Joint Resolution No. 5, introduced by Murray, read first and second times and referred to Committee on Public Morals; and,

House Joint Resolution No. 4, introduced by Duffy of Granite, was this day read first and second times and referred to Committee on Finance and Claims.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

The following bills were introduced and referred as follows:

S. B. No. 18, a Bill for an Act to provide for the organization and government of municipal corporations of cities of first and second class within the State of Montana, read first and second times by title only and referred to Committee on Affairs of Cities.

S. B. No. 100, a Bill for an Act to amend Section 1285 Revised Codes of the State of Montana, relating to the oath and bond of members of the Board of Managers of the Montana Soldiers' Home, read first and second times by title only, and referred to Committee on Military Affairs.

S. B. No. 92, a Bill for an Act entitled, "An Act defining the powers and duties of the State Board of Examiners with reference to the erection, completion, decorating and furnishing of the wings to the State Capitol Building," read first and second times by title only and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 82, a Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana for 1907, relating to gambling and providing punishment therefor," read first and second times by title only, and referred to Committee on Townships and Counties.

S. B. No. 83, An Act entitled, "An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana relative to registration of births and deaths, read first and second times by title only, and referred to Committee on Sanitary Affairs.

S. B. No. 80, a Bill for an Act for the submission to the qualified electors of the State of Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana relating to Elective Officers of Counties, read first and second times by title only, and referred to Committee on Privileges and Election.

S. B. No. 45, a Bill for an Act entitled, "An Act to amend Section 899 of the Revised Codes of 1907, relating to the duties and compensation of the clerks of school districts and adding further duties to said school district clerk," read first and second times by title only, and referred to Committee on Education.

S. B. No. 79, a Bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes of 1907, relating to the election of School Trustees and Classification of School Districts," read first and second times by title only, and referred to Committee on Education.

S. B. No. 2, a Bill for an Act to provide for the holding of primary elections by political parties, read first and second times by title only, and referred to Committee on Privileges and Election.

THIRD READING OF HOUSE BILLS.

H. B. No. 87 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nolan, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—60.

Noes—None.

Absent and not voting—Baker, Blake, Duffy of Granite, Duffy of Silver Bow, Gillis, Law, Moore of Silver Bow, Nelson, O'Flynn, O'Hern, Owenhouse, Vaughan and Woody—13.

Title agreed to.

H. B. No. 117, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Nelson, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Word and Mr. Speaker—58.

Noes—Williams—1.

Absent and not voting—Bernard, Blake, Duffy of Silver Bow, Hewett, Kirschwing, Law, Moore of Silver Bow, Murray, Nolan, O'Flynn, Owenhouse, Roderts, Vaughan, and Woody—14.

Title agreed to.

H. B. No. 187 having been read three several times was passed by the following vote:

Ayes—Bell, Bernard, Berry, Binnard, Blackburn, Burt, Byrnes, Crouch, Dobell, Donohue, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Moore of Valley, Nelson, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Alley, Asbridge, Baker, Blake, Brady, Duffy of Granite, Duffy of Silver Bow, Gillis, Hewett, Martin, Moore of Silver Bow, Murray, Nolan, O'Flynn, Owenhouse, Rodgers, Stevens, Whaley and Woody—19.

Title agreed to.

H. B. No. 19 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes. Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Gray, Grubb, Hayes, Hickey, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, McMurry, McNally, McQuitty, Martin, O'Hern, Owenhouse, Paul, Reel Roberts, Stevens, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Word and Mr. Speaker—46.

Noes—Eliel, English, Hewett, Higgins, Holter, Jacobson, Jordan, Lissner, Murray, Nelson, Ralston, Reser, Sarter, Schwartz, Slayton, Story and Williams—17.

Absent and not voting—Asbridge, Blake, Herbold, Macdonald, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, Rodgers, and Woody —10.

Title agreed to

H. B. No. 163 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Martin, Murray, Nelson, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—61.

Noes—None.

Absent and not voting—Blake, Duffy of Silver Bow, Gillis, Herbold, Johnson of Ravalli, McNally, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, Rodgers and Woody—12.

Title agreed to.

H. B. No. 96 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Moore of Valley, Murray, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Stevens, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—60.

Noes—Jordan, Nelson and Slayton—3.

Absent and not voting—Blake, Duffy of Silver Bow, Gillis, McNally, Martin, Moore of Silver Bow, O'Flynn, Rodgers, Tolman, and Woody—10.

Title agreed to.

Mr. Speaker at this time announced that he was about to sign Senate Joint Resolution No. 1, Joint Resolution relative to election of United States Senators by popular vote, and signed same in the presence of the House.

Also Senate Joint Resolution No. 4, pertaining to the decoration of the new Capitol Wings and signed same in the presence of the House.

Also Senate Bill No. 44, a Bill for an Act prohibiting Surety Companies from exacting indemnity bonds or securities from State, County or City officials before furnishing official bonds, and providing penalty, and signed same in the presence of the House.

H. B. No. 7, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Grubb, Hayes, Holt, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, Mc-

Quitty, Moore of Valley, Nolan, O'Flynn, Owenhouse, Reser, Sarter, Slayton, Story, Word and Mr. Speaker—38.

Noes—Crouch, Donohue, Ebert, Eliel, English, Gray, Herbold, Hewett, Hickey, Higgins, Holter, Lissner, Martin, Murray, O'Hern, Paul, Ralston, Reel, Roberts, Schwartz, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade and Williams—27.

Absent and not voting—Johnson of Ravalli, Macdonald, Moore of Silver Bow, Nelson, Rodgers, Stevens, Wheeler of Silver Bow and Woody—8.

Title agred to.

The hour of 11:45 o'clock A. M., having arrived, the Chief Clerk called the roll and found all members except Moore of Silver Bow, and Woody and Murray who were paired.

Sub. H. B. No. 38, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nelson, Owenhouse, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—60.

Noes—None.

Absent and not voting—Gillis, Kirschwing, Macdonald, Moore of Silver Bow, Nolan, O'Flynn, O'Hern, Paul, Stevens, Swick, Whaley, Wheeler of Cascade and Woody—13.

Title agreed to.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock, noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present, except those who were paired: Woody-Murray, Moore of Silver Bow, Moore of Valley.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, and Tooley—12.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell and Gallwey—2.

For C. N. Pray—Burlingame, Everett, McCone and Sykes—4.

For T. M. Swindlehurst—Conrow and Whiteside—2.

For R. R. Purcell—Muffly—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kammerer, Kirschwing, McMurry, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, and Word—21.

For W. G. Conrad—Alley Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Macdonald, O'Flynn, Wheeler of Cascade and Mr. Speaker—16.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, and Williams—24.

For E. J. Owenhouse—Baker and Law—2.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For H. C. Smith—Jordan—1.

For C. N. Pray—Reser—1.

For W. F. Meyer—Tolman—1.

Total—69.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	28
For T. H. Carter	36
For W. G. Conrad	18
For C. N. Pray	5
For T. H. Swindlehurst	2
For R. J. Owenhouse	2
For W. R. Allen	2
For R. R. Purcell	1
For F. C. Webster	1
For H. C. Smith	1
For W. F. Meyer	1
Total	97

Paired:

Woody-Murray,

Moore of Silver Bow-Moore of Valley.... 4

Grand total 101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Donohue, the House took a recess at 12:20 o'clock P. M., to meet at 2:00 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

THIRD READING OF BILLS.

H. B. No. 12 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Binnard, Blake, Burt, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, Martin, Moore of Valley, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman Tuttle, Wheeler of Cascade, Williams, Word and Mr. Speaker —54.

Noes—None.

Absent and not voting—Bernard, Blackburn, Brady, Byrnes, Crouch, Herbold, Hewett, Lissner, Macdonald, McNally, McQuitty, Moore of Silver Bow, Murray, O'Flynn, Stevens, Vaughan, Whaley, Wheeler of Silver Bow and Woody—19.

Title agreed to.

Herbold moved that H. B. No. 91, be recommitted to the Committee on Irrigation and Water Rights.

On motion of Paul this motion was laid on the table.

H. B. No. 91 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hayes, Hickey, Holt, Holter, Johnson, Jordan, Kirschwing, Law, Lissner, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan Wheeler of Cascade, Williams, Word and Mr. Speaker—52.

Noes—Brady, Ebert, Herbold, Johnson of Ravalli, Johnson of Lewis and Clark, McMurry, McNally, Martin, Reel and Whaley—10.

Absent and not voting—Bernard, Duffy of Silver Bow, Gillis,

Hewett, Kammerer, Macdonald, McQuitty, Moore of Silver Bow and Woody—11.

Title agreed to.

On motion of Berry the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom were referred Senate amendments to House Bill No. 27, a Bill for an Act entitled, "An Act to regulate the dispensing, sale and giving away of opium, morphine, alkaloid, cocaine, or alpha or beta eucaine, or any derivative, mixture or preparation of any of them, the prescribing of the same by licensed physicians, providing penalty for the violation thereof, and repealing all Acts and parts of Acts in conflict herewith," having had same under consideration report same back to the House with the recommendation that the Senate amendments be concurred in.

Also having had under consideration Senate Bill No. 70, a Bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Penitentiary," report same back to the House with the recommendation that it be not concurred in.

Also having had under consideration Senate Bill No. 27, a Bill for an Act entitled, "An Act to punish desertion of wife by the husband," report same back to the House with the recommendation that the bill be re-referred to the Committee on Judiciary.

Also having had under consideration Senate Bill No. 75, a Bill for an Act entitled, "An Act amending Section 6356 of the Revised Codes of 1907 relating to the manner of summoning Jurors in District Courts, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 101, a Bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 69, a bill for an act entitled, "An Act authorizing the Commissioner of Insurance to examine into the affairs of any corporation, association or company in process of organization, or being promoted in this State, for the purpose of transacting the business of insurance; and providing for the publication of the result of such examination if deemed expedient and necessary," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 160, a Bill for an Act entitled, "An Act to amend Section 7724 of the Revised Codes

of 1907, of the State of Montana, reltaing to an inheritance tax on direct and collateral inheritances, bequests and devises, and to provide for its collection and direct the disposition of its proceeds," report same back to the House with the recommendation that the Enacting Clause of the bill be stricken out.

Blake moved that the report of the Committee of the Whole be adopted.

Law moved as a substitute motion that the report of the Committee of the Whole be adopted, except as to Senate Bill No. 70 and that Senate Bill No. 70, be referred back to the Committee of the Whole.

Substitute motion prevailed.

Donohue moved that when the House adjourns this afternoon that a recess to be taken until 7:30 o'clock P. M.

Motion prevailed.

Lissner moved that the only order of business to be taken up this evening shall be only that of General Orders.

Motion prevailed.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 147 introduced by Donohue, a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2 Article IX, of the Constitution of the State of Montana, relating to the rights of suffrage and qualifications to hold office," as being correctly engrossed.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 178, 190, 145, 144, 164, 64, 139, 113, 221, 200 and 214, beg leave to report same back to the House as correctly printed.

On Motion of Donohue, the House took a recess at 4.55 o'clock P. M. to meet at 7:30 o'clock P. M.

EVENING SESSION.

House met pursuant to recess at 7:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

On motion of Law, Senate Bill No. 70, was re-referred to the Committee on Judiciary.

On motion of Tolman the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

McNally in the chair.

House resumed.

Speaker Pro Tem in the chair.

McNally from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 99, a Bill for an Act entitled, "An Act to provide for the acquisition of land for the use of County Fair Associations, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907, having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 153, a Bill for an Act to amend Section 3245 Revised Codes of 1907, relating to salary of Chief of Police, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 118, a Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana, relating to Townsites," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 57, a Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana, and providing for transportation of pupils within the School District where they reside, or from one District to another, report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 175, a Bill for an Act entitled, "An Act to amend Chapter 70 of the Laws of Montana of 1909, relating to the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry, by adding thereto a Section to be numbered Section 12, relating to the collection and exhibition of Agricultural, Mineral and other Exhibts," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 181, a Bill for an Act entitled, "An Act to provide and fix the salary and compensation of Under Sheriffs in Counties of the First Class," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 179, a Bill for an Act entitled, "An Act to secure for threshermen a lien upon grain and other crops threshed by them and to provide for the filing and foreclosing of the same in like manner as other mechanic liens are now filed and foreclosed," report same back to the House with the recommendation that it be recommitted to the Committee on Agriculture.

Also having had under consideration Substitute for House Bill No 41, a Bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes of 1907, relative to bounties for the killing of certain wild animals," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 137, a Bill for an Act entitled, "An Act to require the instruction of pupils in public, private or parochial schools, in fire dangers and means of pre-

vention thereof," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 122, an Act to amend Section 673 of the Revised Codes of the State of Montana, 1907, relating to the duties of the President of the University of Montana, by changing the date by filing Annual Report, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 88, a Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterment of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 81, a Bill for an Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to the employment of City Superintendents of Schools, term of employment, and source of compensation," report same back to the House with the recommendation that it do pass as amended.

Report of the Committee of the Whole adopted.

On motion of Eliel, the House adjourned at 10:00 o'clock P. M. to meet tomorrow at 10:30 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Thirty-Third Day.

Friday, February 3, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Moore of Silver Bow.

On motion of Jordan the Journal of the Thirty-second Day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following communications were received:

United States Senate, January 28, 1911.

My dear Mr. Speaker:

I have received from Secretary of State Yoder copy of the Joint Memorial, which was introduced by Senator Everett, urging Congress to grant 50,000 acres of land for the maintenance of an Insane Asylum in Montana.

I herewith enclose a carbon copy of my letter to Mr. Yoder of this date, which explains the matter in detail.

Yours very truly,

(Signed:) JOS. M. DIXON.

Hon. W. W. McDowell,
Speaker of the House.
Helena, Montana.

United States Senate, January 28, 1911.

My dear Mr. Yoder:

I have yours transmitting Senate Joint Memorial urging Congress to grant 50,000 acres of public lands for an Asylum for the Insane. I will be glad to present the Memorial to the Senate on Monday.

Unfortunately the Enabling Act which admitted Montana, Idaho, Wyoming and the other western states into the Union in 1889 expressly provided that no further land grants should be allowed for these states in addition to that which was given under the original Enabling Act when the states were admitted ino the Union. There have been many bills introduced in Congress from time to time by Members and Senators from these states for additional land grants, but it has always been held by the Public Lands Committees of the House and Senate that there was no authority in Congress to make the additional grants.

I would be glad to be able to write something more hopeful in the matter, but I think this has been the universal practice of both the Senate and House for the past ten years, to not give favorable consideration to any of the numerous bills of this character which have been introduced. and it is my opinion that it will be impossible to induce them to make a special exception in our own case.

Yours very truly,

(Signed:) JOS. M. DIXON.

Hon. A. N. Yoder,
Secretary of State,
Helena, Montana.

Referred to Committee on State Institutions, Public Buildings and Grounds.

Also

Helena, Montana, February 1, 1911.

To the Honorable Senate and House of Representatives
of the Twelfth Legislative Assembly.

Gentlemen: It affords me pleasure to extend to each and every one of you an invitation to visit the State Hospital for the care of the Insane at Warm Springs at any time which may meet your convenience.

You have before you the question of the State establishing and maintaining an institution for the proper care and treatment of its insane patients, and as such a proposition necessarily entails considerable expenditure of state funds, either now or in the future, the gravity of the problem as a business proposition is at once apparent.

In dealing with such a matter, as representatives of the people, it would seem advisable for as many of you as possible to visit the property in order that you may better realize its fitness as a State Hospital for the Insane, and to convince you that there is no other place in the State so well adapted for such use without a large expenditure of money and delay in making provisions for immediate use. The owners of this institution at Warm Springs, Mitchell & Musigbrod, feel that if the members of the Legislature will take the time to pay the Institution a visit, that it will be extremely profitable to them in considering and acting upon questions concerning this subject brought before the Legislative Assembly.

If you will indicate at date when you may collectively visit this institution, or when any considerable number of you are prepared to make such a visit and inspection, I will be glad to meet with you and arrange details so that you may not be away from your legislative duties at the Capitol for any considerable time.

Respectfully submitted,

(Signed:) J. M. SCANLAND,

Supt. State Insane Asylum.

Pursuant to the above communication, the members were informed by Representative Word that a special train would leave for Warm Springs at 8:00 o'clock A. M. Sunday and return to Helena Sunday evening for the accommodation of the members, and the expenses of said special train would be borne by the State.

NOTICES OF BILLS.

By McMurry: A Bill entitled, "An Act relating to Horticulture and prescribing penalties for the violation therefor, and repealing Sections 1917 and 1947 inclusive, of the Revised Codes of 1907."

By Binnard: A Bill for an Act entitled, "An Act to enable the Board of County Commissioners of Counties of the first class to allow claims for services rendered at the special instance and request of County Officers during the years 1907 and 1908."

By Lissner: A Bill for an Act entitled, "An Act to provide for the sale of personal property by persons, firms, corporations or others who have expended work and labor thereon."

By Crouch: A Bill for an Act entitled, "An Act to create the County of Shaw, designate its boundaries and provide for its organization and government and to change the boundaries of Valley County to conform thereto."

By Reser: A Bill for an Act entitled, "An Act to amend Section 8785 of the Revised Codes of 1907, relating to the selling or offering for sale of the skins of beaver."

By Reser: A Bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort Benton."

By Jordan: A Bill for an Act entitled, "An Act for the eradication of Oratorical Pests and providing for an open season on embroyo orators."

By Byrnes: A Joint Resolution requesting the Congress of the United States to take steps to prohibit changing the old names of

Montana's mountains and streams by United States Geological, Topographical or other Government Surveys."

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred Substitute House Bill No. 62 beg leave to report same back to the House as correctly printed.

Also Ebert from the Committee on Dairying reported as follows:

Mr. Speaker:

Your Committee on Dairying to whom was referred House Bill No. 121, introduced by Donohue, the same being a Bill for an Act entitled, "An Act to regulate the manufacture and sale of dairy products and imitation dairy products in the State of Montana; defining dairy products and imitation dairy products; providing for a dairy specialist in the Montana State Agricultural College, appropriating monies therefor and defining his duties, and providing penalties for the violation of the provisions of this Act," report the same back to the House with the following amendments, and recommend that same do pass as amended.

Amend first paragraph of Section 1, as follows:

Definitions: Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and five days after calving, and contains not less than eight and one-half (8.5) per cent of solids not fat, and not less than three and one-quarter (3.25) per cent of milk fat.

Amend third paragraph of Section 1 as follows:

Cream is that portion of milk, rich in milk fat, which raises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than twenty (20) per cent of milk fat.

Amend fourth paragraph of Section 1 as follows:

Butter is the clean accumulated milk fat from unadulterated milk or cream with or without the addition of salt or coloring matter, containing not less than eighty-two and one-half (82.5) per cent of butter fat and not more than sixteen (16) per cent water.

Amend first paragraph of Section 2 as follows:

Adulterated Milk: No person shall sell or exchange, or offer or expose for sale or exchange as milk or cream, any unclean, impure, adulterated or unwholesome milk, or unclean, impure, adulterated, colored or unwholesome milk or cream, or sell or exchange or offer or expose for sale or exchange any substance in imitation, or semblance of milk or cream which is not milk or cream, nor shall they sell or exchange or offer or expose or exchange any such substance as, and for milk or cream or sell or exchange, or offer or expose for sale or exchange any article of food made from such milk or cream, or manufacture from any such milk or cream, any article of human food.

Add to second paragraph of Section 2 after the words, "contents of the can," the following:

There shall be no limit to the percentage of fat contained in unadulterated milk or cream sold to creameries for the sole purpose of manufacture into butter.

Amend first paragraph of Section 3 as follows:

Milk, Cream and Ice Cream vessels: No person or persons shall without the consent of the owners or owner, use, sell, dispose of or traffic in any milk cans, jars, bottles or milk or ice cream receptacles belonging to any dealer or shipper of milk or milk products having the name or initials of owner on such cans, jars, bottles or other receptacles. No one shall wilfully mar, change or erase the name or initials stamped or fastened upon sealed milk receptacles or vessels for other purposes, nor place any other substance than milk or its products in them.

Amend second paragraph of Section 3 as follows:

Cleaning vessels before return: Whenever any cans, vessels or other receptacles used in the transportation of milk, cream or their products are returned to the producer for a fresh shipment of the product, they must be thoroughly cleaned by washing, rinsing, and scalding, so as to make their conditions sanitary and suitable as a receptacle for fresh milk and cream or their products.

Amend fourth paragraph of Section 3 as follows:

Milk, cream or ice cream shall not be handled in cans rusted inside.

Amend first paragraph of Section 5 as follows:

Butter and Cheese factories: Operators of all co-operative butter and cheese factories shall keep their books open for inspection of any patron at all times, showing the daily amounts of milk and cream received and the percent and amount of fat in the milk and cream received from each patron and the amounts of cream sold and butter or cheese manuftcured daily.

Amend first paragraph of Section 6 by adding after the words, "The first day of April of each year," the following: "Before the organization of any new factory, notice shall be given at once to said dairy division."

Amend second paragraph of Section 7 as follows:

All test bottles, pipetts and other glassware used to the Babcock test where the fat forms a basis for the payment for the product, shall be delivered to and calibrated at the Montana State Agricultural College and marked, "Montana Agricultural College." Supply houses selling said glassware shall be charged a fee sufficient to cover the cost of calibration.

Amend first paragraph of Section 8 as follows:

Imitation Butter: No person shall manufacture or sell or expose for sale as butter, any substance out of vegetable or animal fats or oils (not from milk or cream) colored in imitation of butter or any shade of yellow.

Amend second paragrah of Section 8 as follows:

All products made and sold or exposed for sale, as butter substitutes and made either wholly or in part from any fat or oil other than from pure unadulterated milk or cream, shall be plainly marked, stamped, or labeled on every package, so made, sold or exposed for sale, in plain black letters one-half inch verticle dimension, "Oleomargarine." Hotels or restaurants using imitation butter shall place placards, plainly legible from all parts of the dining room marked "Oleomargarine" or "Renovated Butter," as the case may be, "used here."

Amend first paragraph of Section 16 as follows:

Weights and Measures: The standard measure of capacity for milk shall be the gallon containing 231 cubic inches; the half gallon shall contain one hundred fifteen and five-tenths cubic inches; and the quart one-fourth as much as the gallon and the pint one-half as much as the quart.

Amend second paragraph of Section 16 as follows:

Solid Measure: The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen (16) ounces (avoirdupois weight) to the pound when wrapped or put in container exclusive of the wrapper or container. Any pound package of butter sold or exposed for sale containing less than fifteen and five-tenths (15.5) ounces (avoirdupois) shall be distinctly marked or stamped in black letters at least one-half inch in height with the exact weight of the butter contained in ounces. Packages of butter weighing two or more pounds shall be marked in a similar manner using the proper multiple of 15.5 ounces.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred Senate Bill No. 25, introduced by Christopher, a Bill for an Act entitled, "An Act to amend Section 288 of the Revised Codes of 1907, concerning free public employment offices in cities,' having had said bill under consideration, respectfully report same back to the House with the recommendation that same be concurred in.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 43 introduced by Whaley, "A Bill for an Act regulating the sale and prescribing the weight and quality of bread in the loaf sold or offered for sale within the State of Montana," having had said bill under consideration, beg leave to report same back to the House with the recommendation that further consideration thereof be indefinitely postponed, for the reason that the subject matter of said bill is substantially covered by a bill heretofore introduced and pass-

ed by this House.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Substitute House Bill No. 85 introduced by Vaughan, a Bill for an Act entitled, "An Act to authorize the State Game and Fish Warden to construct and place paddle wheels, for the protection of game fish, at the heads of various irrigating ditches, and appropriating money therefor," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 235, introduced by Byrnes, being a bill for an Act entitled, "An Act to amend Section 4311 of the Revised 1907 Codes of Montana relating to the liability for live stock killed or injured by the railroads, and providing the manner of giving and notice of keeping record thereof," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 279 introduced by Gillis, being a Bill for an Act entitled, "An Act to permit railroad companies to carry free, or at reduced rates, persons and property in certain cases," beg leave to report same back to the House with the recommendation that line 16 of Section 1 be amended by striking out the words, "within the said waters," and adding in lieu thereof the following:

"The waters of this State with such fish or fish eggs," making the sentence read as follows:

"Any and all persons while actually engaged in transporting fish or fish eggs for stocking or planting the waters of this state with such fish or fish eggs."

With the above amendments, we recommend that the bill do pass.

Report adopted.

Mr Speaker at this time announced that he was about to sign Senate Bill No. 71, a Bill for an Act entitled, "An Act to amend Sections 7362 ad 7363 of the Codes of Montana for 1907 relative to change of name," and signed same in the presence of the House.

Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on tSate Institutions, Public Buildings and Grounds having had under consideration House Bill No. 26, the same being "An Act to establish a sub-experimental station in South Mission Valley, in Missoula County, Montana, and providing for the acqusition of land for the same, and the direction thereof, and appropriating money therefor," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds having had under consideration House Bill No. 215, introduced by Kirschwing, the same being a Bill for an Act entitled, "An Act to establish a sub-experimental station in Chester Valley, in Cascade County, Montana, and providing for the acquisition of land for the sale, and the direction thereof, and appropriating money therefor," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds to whom was referred House Bill No. 271, introduced by Nolan, the same being a bill for an Act entitled, "An Act to appropriate $5,000.00 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders and for the appointment of a Commission to assist in the erection of Memorial," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 244, the same being a Bill for an Act entitled, "An Act making the study of the United States Constitution, the Constitution of the State of Montana and the Election Laws of the State of Montana a requirement for a Degree in any Deparment in the University of Montana," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Your Committee on State Institutions, Public Buildings and Grounds,

to whom was referred House Bill No. 283, introduced By Paul, the same being a Bill for an Act entitled, "An Act to amend Section 9717 of the Revised Codes of 1907, relating to the control of the State Prison, prisoners therein, and employees, and fixing the compensation of certain employees," report that they have prepared, considred and adopted a substitute for said bill, and recommend the passage of said substitute bill.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds to whom was referred House Bill No. 149, introduced by Jordan, the same being a bill for an Act entitled, "An Act to establish a Sub-experimental Station in Madison County, Montana, and providing for the acquisition of land for the same, and the direction thereof, and appropriating money therefor," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 100, introduced by Gray, a Bill for an Act entitled, "An Act to amend Section 4423 of the Revised Codes of 1907, of the State of Montana, in relation to the ownership and disposition of certain wild animals," recommend that same do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred Senate Bill No. 5, introduced by Whiteside, a Bill for an Act entitled, "An Act to increase the membership of the Montana State Fish Commission, and to provide for the construction of a fish hatchery, for the propagation of food fish and other fish in Flathead County, Montana, and to appropriate money therefor," recommend that same be concurred in.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred Senate Bill No. 12 introduced by Edwards, a Bill for an Act entitled, "An Act to amend Section 8787 of the Revised Codes of 1907, as amended by Chapter 81, Laws of 1909, relative to the season for shooting Grouse, Prairie Chicken, Pheasant, Partridge, Fool or Sage Hens," recommend that same be not concurred in.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred Senate Bill No. 64, introduced by Dunnigan, a Bill for an Act entitled, "An Act to amend Section 8729, relating to the catching of fish," recommend that same be concurred in.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 104 introduced by Blake, a Bill for an Act repealing Chapter 142 of the Session Laws of 1909, being "An Act authorizing persons who are the owners, lessees or who otherwise control the land surrounding any lakes or ponds in the State of Montana, and who have established fish hatcheries on the shores of such lakes or ponds, to catch fish therein and to sell or offer for sale the same, and to ship same within the State of Montana, prohibiting the shipping and sale of such fish out of the State, and providing punishment for the violation of this Act," recommend that same do pass.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred Senate Bill No. 61 introduced by Dunnigan, a Bill for an Act entitled, "An Act appropriating money for the payment of the Anaconda Copper Mining Company for labor and material furnished in connection with the construction and maintenance of the State Fish Hatchery at Anaconda, Montana," recommend that same be concurred in.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 18 introduced by Swick, a Bill for an Act entitled, "An Act to amend Section 8788 of the Revised Codes of 1907, relating to the killing of water fowl," recommend that same do not pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 169 introduced by Story, a Bill for an Act entitled, "An Act to provide that aliens shall pay a gun license, and providing a penalty for failure to obtain a license. To provide for and regulate the duties of the Game and Fish Warden and his deputies," recommend that same do pass with the following amendments:

Amend the title by adding after the word "deputies" the following: "and to provide for the disposition of fines so collected." Also amend Section 4, making "Game and Fish Fund" read, "Fish and Game Fund."

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game having had under consideration House Bill No. 103, a Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of 1907, relating to the employment of a director of the State Fish Hatchery, and providing for his salary," respectfully report back to the House a substitute bill therefor, and recommend that said substitute bill do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game having had under consideration House Bill No. 193 introduced by Story, a Bill for an Act entitled, "An Act to prevent the hunting or killing of game animals or birds between sunset of one day and sunrise of the next day; and to provide for the punishment of those who violate the provisions of said Act, and to provide for the disposition of the fines so collected, recommend that the same do pass.

Also Macdonald from the Committee on Waterways and Navigation reported as follows:

Mr. Speaker:

Your Committee on Waterways and Navigation to whom was referred House Bill No. 266, introduced by the Committee on Waterways and Navigation, being a Bill for an Act entitled, "An Act to provide for the manner of holding certain lands belonging to the State of Montana," having had the same under consideration, herewith return it to the House with the recommendation that it do pass.

Report adopted.

Also Macdonald from the Committee on Waterways and Navigation reported as follows:

Mr. Speaker:

Your Committee on Waterways and Navigation to whom was referred House Bill No. 267 introduced by the Committee on Waterways and Navigation, being a Bill for an Act entitled, "An Act to provide for the inspection of steam boats and all other boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers and freight for hire on any of the navigable waters of the State of Montana. To provide for their inspection and for the appointment of an Inspector of Boats, to define his duties, to provide for his compensation and to provide sailing rules for all such boats, and for the general superintendence and control of navigation

by the State Board of Railroad Commissioners and providing a penalty for the violation of any of the provisions of this Act," having had the same under consideration herewith return it to the House with the recommendation that the same do pass.

Report adopted.

Also Macdonald from the Committee on Waterways and Navigation reported as follows:

Mr. Speaker:

Your Committee on Waterways and Navigation to whom was referred House Bill No. 281, introduced by the Committee on Waterways and Navigation, being a Bill for an Act entitled, "An Act to regulate the use and occupancy of navigable waters of the State of Montana, and providing a penalty for the violation thereof," having had the same under consideration herewith return it to the House with the recommendation that the same do pass.

Report adopted.

Also Macdonald from the Committee on Waterways and Navigation reported as follows:

Mr. Speaker:

Your Committee on Waterways and Navigation to whom was referred House Bill No. 291, introduced by Gray, being a Bill for an Act entitled, "An Act to amend Section 1 of Chapter 38 of the laws of the Eleventh Regular Session of the State of Montana, as approved February 27th, 1909, in relation to an act to provide for the erection of Docks and Wharves on the navigable waters within the State of Montana, and to provide for their management and control," having had the same under consideration, herewith return it to the House with the recommendation that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 260 introduced by O'Flynn, being a Bill for an Act entitled, "An Act to amend Section 6244 of the Revised Codes of the State of Montana of 1907, relating to Justices of the Supreme Court," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 280, introduced by O'Hern, being a Bill for an Act entitled, "An Act to amend Chapter 2, Part 2, Title 4 of the Revised Codes of Montana of 1907, by adding thereto an additional section to be known as Section 6533A, relating to pleading in the alternative," report the same back to the House and recommend that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 259, introduced by O'Flynn, being a Bill for an Act entitled, "An Act to amend Section 2692 of the Revised Codes of Montana of 1907, relating to persons liable to poll tax," report the same back to the House and recommend that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 255, introduced by Bell, being a Bill for an Act entitled, "An Act to amend Sections 7293 and 7299 of the Revised Codes of 1907, relating to the property affected by Mechanic's Liens and the time within which actions to enforce such liens may be commenced," report the same back to the House, and move that the same be amended by striking out the word "three" in Section 2, after the word "within" and before the word "years" and insert in lieu thereof the word "two," and as amended recommend that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 32 introduced by Meyer, being a Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, and providing for the exemption of property not to exceed eight hundred dollars in value of soldiers and sailors of the United States or their widows," report the same back to the House and recommend that it be not concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 94 introduced by Wheeler of Silver Bow, being a Bill for an Act entitled, "An Act invalidating the assignment or transfer of unearned wages or salary and regulating assignments and transfers of salary," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 37 introduced by Committee on Livestock and Ranges, being a Bill for an Act making it unlawful to herd or drive sheep, cattle,

horses or other livestock upon the land or possessory claims of others and making owners of sheep, horses, cattle or other live stock so herded or driven liable to the persons injured thereby," report the same back to the House and recommend that the same be referred to the Committee on Live Stock and Ranges.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions, reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was re-referred House Bill No. 25, introduced by Donohue, being a Bill for an Act entitled, "An Act to create the County of Wibaux, to define its boundaries, to provide for its organization and government, and to alter the boundaries of the counties of Dawson and Custer to conform to the boundaries of the County of Wibaux, after having had same under consideration, beg leave to report same back to the House with the recommendation that the bill be indefinitely postponed.

Report adopted.

On motion of Donohue this bill was ordered printed.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 181, introduced by McNally, a Bill for an act entitled, "An Act to provide and fix the salary and compensation of Under Sheriffs in Counties of the Frst Class," and,

House Bill No. 118, introduced by Berry, a Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana relating to Townsites," and,

House Bill No. 88, introduced by Binnard, a Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterments of the State Fish Hatchery at Anaconda, Montana for the years 1911 and 1912," and,

House Bill No. 57, introduced by Bell, a Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana and providing for transportation of pupils within the School district where they reside or from one district to another, as being correctly engrossed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Lissner, H. B. No. 298: A Bill for an Act entitled, "An Act to amend Section 6439 of the Revised Codes of 1907, relating to adverse possession of real estate."

By Vaughan, H. B. No. 299: A Bill for an Act entitled, "An Act authorizing and regulating the sale of game and game birds, and providing a penalty for the violation of this Act."

By Rodgers, H. B. No. 300: A Bill for an Act entitled, "An Act concerning building and loan associations and to provide for

their organization and defining the purpose and powers thereof, and providing penalties for the violation of this Act."

By Byrnes, H. B. No. 301: An Act to enable the State of Montana to purchase 400 Maps of the State of Montana for State and School purposes."

By Whaley, H. B. No. 302: A Bill for an Act to abolish the offices of State Game and Fish Warden and Deputy State Game and Fish Wardens, and to impose the duties of such officers upon the Sheriffs and their Deputies in the several Counties of this State."

READING OF BILLS.

The following Bills were taken from the file:

H. B. No. 298 read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 299, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 300, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 301, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 302, read first and second times by title only, and referred to Committee on Fish and Game.

MOTIONS AND RESOLUTIONS.

Moore of Valley moved as follows:

Mr. Speaker:

I move that hereafter in all bills introduced in the House, that portion of the bill which changes any portion of the existing laws be inserted in the bill in larger letters than the rest of the bill to show the members just what portion of the laws are affected.

On motion of Rodgers, this motion was laid on the table.

The following Resolution was introduced by Moore of Valley:

WHEREAS, the present method of printing bills, especially in the case of amended laws, does not disclose, except after consultation of the codes, what parts of such laws are amendments; and,

WHEREAS, this causes both confusion and frequent misapprehension as well as delay; and,

WHEREAS, it is desirable to expedite consideration of bills and measures;

THEREFORE, BE IT RESOLVED: That the Printing Committee be instructed to print all amended parts of law, etc., in bold faced type in the case of amendments, and that those introducing bills containing such amendments have type-writers underscore such amendments for the instruction of the Printing Committee.

Referred to Committee on Rules, Joint Rules and Order of Business.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 3, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have the honor to advise you that in accordance with the provisions of Section 3 of Senate Joint Resolution No. 1 (Twelfth Session, approved February 2, 1911), I have this day appointed the following persons as members of "The Senatorial Direct Election Commission of the State of Montana."

Hon. W. F. Meyer, of Carbon County.

Hon. Moncure Cockrell, of Powell County.

Hon. P. N. Bernard, of Lincoln County.

Hon. R. Lee Word, of Lewis and Clark County.

(Signed): EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that House Bill No 40, introduced by Blackburn, being a Bill for an Act entitled, "An Act to provide for the appointment of a stenographer by Coroners in Counties of the First Class, and fixing the compensation and term of office of such stenographer," having been read three several times and concurred in is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that House Joint Resolution No. 5, introduced by Murray, being a Joint Resolution providing for the Inspection of the State Reform School at Miles City, was referred to Committee on Public Morals, and the Committee recommend that House Joint Resolution No. 5, be not concurred in, report adopted and above resolution is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that House Bill No. 174, introduced by Wheeler of Silver Bow, being a Bill for an Act entitled, "An Act to regulate the discharge or firing of fire works and other pyrotechnics," having been read first and second times and referred to Committee on Municipal Corporations,

Committee recommend that bill be not concurred in, report adopted and bill is herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that House Bill No. 71, introduced by Schwartz, being a Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty Dollars ($250.00) for the payment of the deficiency claim of Dr. D. S. McKenzie, for service as Meat and Milk Inspector, in Chouteau County, from December 1st, 1904, to March 31st, 1905, inclusive," having been read three several times and concurred in is herewith returned; also,

Substitute for H. B. No. 11, introduced by Committee on Livestock and Ranges, being a Bill for an Act providing for the recording of every brand or mark upon horses, cattle, or other livestock, and regulating the making of such record and fixing the fees therefor, and repealing all Acts and parts of Acts inconsistent with the provisions of this Act, having been read three several times and concurred in as amended is herewith returned for your concurrence in Senate amendment; also,

Senate Bill No. 62, introduced by Meyer, being a Bill for an Act entitled, "An Act to amend Sections 5759, 5760 and 5763 of the Revised Codes of 1907, relating to chattel mortgages," having been read three several times and passed is herewith transmitted for concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

READING OF SENATE BILLS.

Senate Bill No. 62, a Bill for an Act entitled, "An Act to amend Sections 5759, 5760 and 5763 of the Revised Codes of 1907, relating to chattel mortgages," read first and second times by title only, and referred to Committee on Judiciary.

The hour of 11:45 o'clock having arrived, the Chief Clerk called the roll of the House and found all members present except those paired.

THIRD READING OF SENATE BILLS.

S. B. No. 75 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston,

Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tuttle, Wheeler of Cascade, Williams, Woody and Mr. Speaker —64.

Noes—None.

Absent and not voting—Holter, Jacobson, Moore of Silver Bow, Moore of Valley, Tolman, Vaughan, Whaley, Wheeler of Silver Bow and Word—9.

Title agreed to.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except the following who were paired: Jacobson-Wheeler of Silver Bow, and Moore of Valley Moore of Silver Bow.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—13.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell and Gallwey—2.

For C. N. Pray—Burlingame, McCone and Sykes—3.

For T. M. Swindlehurst—Conrow—1.

For R. R. Purcell—Muffly—1.

For E. J. Owenhouse—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Ebert, Johnson of Ravalli, Kammerer, Kirschwing, McMurry, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Woody and Word—22.

For W. G. Conrad—Alley, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Lissner, Macdonald, O'Flynn, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray,

Grubb, Hewett, Hickey, Holt, Holter, Jordan, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, and Williams—25.

For E. J. Owenhouse—Baker and Law—2.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For C. N. Pray—Reser—1.

For W. F. Meyer—Tolman—1.

Total—69.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	29
For T. H. Carter	38
For W. G. Conrad	17
For C. N. Pray	4
For E. J. Owenhouse	3
For W. R. Allen	2
For T. M. Swindlehurst	1
For R. R. Purcell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	97
Paired: Jacobson-Wheeler of S. B. Moore of Valley-Moore of S. B.	4
Grand Total	101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the Chair.

On motion of Donohue the House took a recess at 12:45 o'clock P. M. to meet at 2:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 3, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 4, having been read three several times

and concurred in as amended, is herewith returned for concurrence in Senate Amendments.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 101 having been read three several times was concurred in by the following vote:

Ayes—Asbridge, Baker, Berry, Binnard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—58.

Noes—None.

Absent and not voting—Alley, Bell, Bernard, Brady, Byrnes, English, Gray, Hewett, Jacobson, McQuitty, Moore of Silver Bow, Nolan, Paul, Rodgers and Woody—15.

Title agreed to.

S. B. No. 69 having been read three several times was concurred in by the following vote:

Ayes—Asbridge, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—58.

Noes—None.

Absent and not voting—Alley, Baker, Bell, Brady, Duffy of Silver Bow, English, Hewett, Jacobson, McQuitty, Moore of Silver Bow, Nolan, Paul, Stevens, and Woody—15.

Title agreed to.

On motion of O'Hern and fifteen of the members present seconding same, a call of the House was had.

The Clerk thereupon called the roll and found all present except Alley, Byrnes, English, Hewett, Jacobson, McQuitty, Moore of Silver Bow, Nolan, Paul and Stevens.

The Clerk also announced that six of the absent members had left the city for their homes.

On motion of McNally further proceedings under the call of the House were dispensed with.

Story moved that further debate on the final passage of H. B. No. 147 be closed.

Motion lost.

THIRD READING OF HOUSE BILLS.

H. B. No. 147 having been read three several times was lost by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blake, Brady, Burt, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, Grubb, Hayes, Herbold, Holter, Johnson of Ravalli, Jordan, Kammerer, McMurray, Martin, Moore of Valley, O'Hern, Ralston, Reser, Sarter, Slayton, Story, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow and Word —33.

Noes—Binnard, Blackburn, Crouch, Donohue, Ebert, Gillis, Gray, Hickey, Higgins, Holt, Johnson of Lewis and Clark, Kirschwing, Law, Lissner, Macdonald, McNally, Murray, Nelson, O'Flynn, Owenhouse, Reel, Roberts, Rodgers, Schwartz, Swick, Whaley, Wheeler of Cascade, Williams, Woody and Mr. Speaker—30.

Absent and not voting—Alley, Byrnes, English, Hewett, Jacobson, McQuitty, Moore of Silver Bow, Nolan, Paul, Stevens—10.

H. B. No. 181 having been read three several times was passed by the following vote:

Ayes—Bell, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Hickey, Holt, Holter, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Macdonald, McNally, Martin, Moore of Valley, Murray, O'Flynn, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Swick, Tuttle, Whaley, Wheeler of Cascade, Wheeler of Silver Bow, Woody and Mr. Speaker—42.

Noes—Gray, Grubb, Higgins, Jordan, O'Hern, Slayton, Story, Vaughan and Williams—9.

Absent and not voting—Alley, Asbridge, Baker, Brady, Byrnes, Eliel, English, Herbold, Hewett, Jacobson, Johnson of Ravalli, Lissner, McMurry, McQuitty, Moore of Silver Bow, Nelson, Nolan, Paul, Rodgers, Stevens, Tolman and Word—22.

Title agreed to.

H. B. No. 118 having been read three several times was passed by the following vote:

Ayes—Bell, Bernard, Berry, Blackburn, Blake, Burt, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Holter, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, McMurry, McNally, Martin, Moore of Valley, Murray, O'Flynn, Owenhuose, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Word and Mr. Speaker—42.

Noes—None.

Absent and not voting—Alley, Asbridge, Baker, Binnard, Brady, Byrnes, Donohue, Duffy of Silver Bow, English, Herbold, Hewett, Jacobson, Johnson of Ravalli, Kammerer, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Nelson, Nolan, O'Hern, Paul, Rodgers, Stevens,

Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Woody—31.

Title agreed to.

H. B. No. 88 having been read three several times was passed by the following vote:

Ayes—Bell, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Eliel, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, McMurry, McNally, Martin, Moore of Valley, Murray, Nelson, O'Flynn, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Wheeler of Silver Bow, Williams, Word and Mr.

Absent and not voting—Alley, Asbridge, Baker, Bernard, Berry, Binnard, Byrnes, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Hayes, Hewett, Jacobson, Kammerer, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Paul, Rodgers, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Cascade and Woody—30.

Title agreed to.

H. B. No. 57 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, McMurry, McNally, Martin, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—52.

Noes—None.

Absent and not voting—Alley, Byrnes, Duffy of Granite, Duffy of Silver Bow, English, Hewett, Jacobson, Kirschwing, Law, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Murray, Nolan, Paul, Rodgers, Stevens, Whaley, Wheeler of Cascade and Woody—21.

Title agreed to.

UNFINISHED BUSINESS.

Senate amendment to House Joint Resolution No. 4 was concurred in by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Higgins, Holt, Holter; Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, McNally, Martin, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhoue, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Tolman. Tuttle, Vaughan, Wheeler of Silver Bow, Williams and Mr. Speaker—49.

Noes—None.

Absent and not voting—Alley, Binnard, Byrnes, English, Hayes, Hewett, Hickey, Jacobson, Kammerer, Lissner, Macdonald, McMurry, McQuitty, Moore of Silver Bow, Murray, Nolan, Paul, Rodgers, Stevens,

Swick, Whaley, Wheeler of Cascade, Woody and Word—24.

On motion of O'Flynn it was ordered that the report of the Committee on Committee Meetings be printed and that a copy of same be placed upon each member's desk.

On motion of Blake the House adojourned at 4:10 o'clock P. M. to meet tomorrow at 10 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Thirty-Fourth Day.

Saturday, February 4, 1911.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll called and all members found present except Alley, Byrnes, Donohue, Ebert, English, Hewett, Jacobson and Moore of Silver Bow.

On motion of Jordan the Journal of the Thirty-third Day as read was approved.

NOTICES OF BILLS.

By Dobell: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to the Constitution of Montana, amending Sections 3 and 17 of Article XII, relating to revenue and taxation, and providing for the separate taxation of minerals."

By Blackburn: A Bill for an Act entitled, "Au Act appropriating the sum of $250.00 to pay the deficiency in the expense account of the Bureau of Child and Animal Protection."

By Blackburn: A Bill for an Act entitled, "An Act appropriating money to reimburse members of the Conservation Commission, the Road Commission, and the Employers' Compensation Commission, appointed by the Governor, for the amount of actual expenses incurred in connection with the performance of their work."

By Tolman: A Bill for an Act entitled, "An Act to regulate the rate per mile for transportation of passengers on railroads and railways operating wholly or in part in the State of Montana, and providing penalties for the violation thereof."

By Martin: A Bill for an Act entitled, "An Act to authorize the Governor to remove from office any Peace or Prosecuting Officer of any County in the State of Montana who refuses or neglects to perform the official duties pertaining to his office, and prescribing the procedure therefor."

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Commitee on Printing to whom was referred House Bills Nos. 199 and 77 and House Joint Memorial No. 2 and Substitute House Bill No. 263 beg leave to report same back to the House as correctly printed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Commitee on Engrossment beg leave to report House Bill No. 153, introduced by Eliel, a Bill for an Act entitled, "An Act to amend Section 3245 Revised Codes of 1907, relating to salary of Chief of Police," and

Substitute House Bill No. 41, substituting House Bill No. 41, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes of 1907, relative to bounties for the killing of certain wild animals," and

House Bill No. 27, introduced by Macdonald, a Bill for an Act entitled, "An Act to regulate the dispensing, sale and giving away of opium, morphine, alkaloid-cocaine or alpha or beta eucaine, or codeine or heroin or any derivative, mixture, or preparation of any of them, the prescribing of the same by licensed physicians or veterinarians, providing penalty for the violation thereof, and repealing all Acts and parts of Acts in conflict herewith," and

House Bill No. 175, introduced by O'Hern, a Bill for an Act entitled, "An Act to amend Chapter 70 of the Laws of Montana of 1909, relating to the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry, by adding thereto a section to be numbered Section 12, relating to the collection and exhibition of Agricultural, Mineral and other exhibits," and

House Bill No. 99, introduced by Grubb, a Bill for an Act entitled, "An Act to provide for the acquisition of land for the use of County Fair Association, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907," and

House Bill No. 81, introduced by Law, a Bill for an Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to the employment of city superintendents of schools, term of employment, and sources of compensation," and

House Bill No. 137, introduced by Holter, a Bill for an Act entitled, "An Act to require the instruction of pupils in public, private and parochial schools in fire dangers and means of prevention thereof," and

House Bill No. 122, introduced by Higgins, "An Act to amend Section 673 of the Revised Codes of Montana, 1907, relating to the duties

of the President of the University of Montana, by changing the date of filing annual report," as being correctly engrossed.

Also Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

The Committee on Agriculture having had under consideration Senate Bill No. 57, introduced by Survant, entitled, "An Act to amend Chapter IV of the Revised Codes of Montana, entitled, 'Miscellaneous Liens,' by adding thereto Sections 5818-a, 5818-b, 5818-c 5818-d, 5818-e, in relation to seed liens and the enforcement thereof," recommend that it be concurred in.

Report adopted.

Also Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

The Committee on Agriculture having had under consideration House Bill No. 251, introduced by Moore, entitled, "An Act to establish a sub-experimental station in Valley County, Montana, and providing for the acquisition of land for the same and the direction thereof, and appropriating money therefor," recommend that it do pass and that it be referred to the Appropriations Committee.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 156 entitled, "An Act providing that a recorded mark or brand upon an animal shall be prima facie evidence of the ownership of such animal," beg leave to report that after having had the same under consideration recommend that it do not pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 286 entitled, "An Act appropriating money for the relief of A. J. Sullivan by the payment of a claim of said A. J. Sullivan for horses slaughtered by the State and Deputy State Veterinary Surgeons in Custer County, Montana," beg leave to report that after having had the same under consideration recommend that it do not pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 240, entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State

Bounty Fund for the payment thereof," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

Your Committee on Live Stock and Public Ranges to whom was referred House Substitute Bill No. 37 entitled, "A Bill for an Act making it unlawful to herd or drive sheep, cattle, horses or other live stock upon the land or possessory claims of others and making owners of sheep, horses, cattle or other live stock so herded or driven liable to the persons injured thereby," beg leave to report that after having had the same under consideration recommend that it do not pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities to whom was referred House Bill No. 205, introduced by Bell, a Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana of 1907, and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana may bear an engraved or lithographed fac simile signature of the Mayor and City or Town Clerk of such city or town," having had said bill under consideration, beg leave to report same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred Substitute for Senate Bill No. 4, introduced by Edwards, being a bill for an Act entitled, "An Act to create the County of Musselshell, designate its boundaries and provide for its organization and government, and to change the boundaries of Fergus, Meagher and Yellowstone counties to conform thereto," after due consideration beg leave to report same back to the House with the following amendment:

In Section 16, line 30, strike out the figure "13" and insert in lieu thereof the figure "14" and with the foregoing amendment recommend that the bill be concurred in.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred Senate Bill No. 55, introduced by Selway, being a bill for an Act entitled, "An Act changing and defining the boundaries of Beaver-

head and Madison Counties," after having same under consideration refer same back to the House with the recommendation that the same be concurred in.

Report adopted.

MOTIONS AND RESOLUTIONS.

Gillis moved that when the House adjourn today, it adjourn immediately after the dissolution of the Joint Session to meet Monday, February 6, 1911, at 11 o'clock A. M.

Motion prevailed.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Crouch (by request), H. B. No. 303: A Bill for an Act entitled, "An Act to create the County of Shaw, designate its boundaries and provide for its organization and government and to change the boundaries of Valley County to conform thereto."

By Story, H. B. No. 304: A Bill for an Act entitled, "An Act to prohibit the hunting of game animals and game birds within a certain district in the State of Montana, defining the boundaries of said district, and providing punishment for the violation thereof."

By Reser, H. B. No. 305: A Bill for an Act entitled, "An Act to amend Section 8785 of the Revised Codes of 1907 as amended by Chapter 81 of the Laws of 1909, relating to the selling or offering for sale, of skins of beaver."

By Reser, H. B. No. 306: A Bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort Benton."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 303 read first and second times by title only, and referred to Committee on New Counties and Divisions.

H. B. No. 304, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 305, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 306, read first and second times at length, and referred to Committee on Military Affairs.

Herbold moved that H. B. 198, A Bill for an Act entitled, "An Act to regulate the practice of veterinary medicine and surgery in the State of Montana, and to establish a Board of Examiners in veterinary medicine and surgery, and to define offenses committed contrary to the provisions of this Act, and providing penalties for the violation thereof," which is now on General Orders, be re-referred to the Committee on Live Stock and Public Ranges.

Motion prevailed.

Berry moved that Substitute H. B. No. 263, for House Bills Nos. 70, 61, 35 and 154, a Bill for an Act entitled, "An Act providing for a commission form of Government for cities, providing for the election

of officers therein, defining their duties and powers and providing for their compensation," be made a special order of business for Tuesday, February 7, 1911, at 2 o'clock P. M.

Motion prevailed.

Macdonald moved that Senate Bill No. 12, a Bill for an Act entitled, "An Act to amend Section 8787 of the Revised Codes of 1907, as amended by Chapter 81, Laws of 1909, relative to the season for shooting Grouse, Prairie Chicken, Pheasant, Partridge, Fool or Sage Hens," be recalled from the Senate and re-ocmmitted to the Committee on Fish and Game.

Motion prevailed.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication, accompanied by a leaflet, was received from the Governor:

Executive Office, Helena Montana, February 4, 1911.

Hon. W. W. McDowell, Speaker,
House of Representatives,
Helena, Montana.

My dear Sir: I transmit herewith a leaflet on "An Unjust Taxation" which has been sent me by Mr. J. A. Stout of Goldendale, Washington, with the request that it be delivered to you.

Yours truly,

(Signed) EDWIN L. NORRIS, Governor.

The leaflet was referred to the Committee on Ways and Means.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 3rd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 14, was this day read third time, and passed, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 3rd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 1 and 98, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 3rd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of Bills were this day given:

By Stout: A Bill for an Act entitled, "An Act providing for the

appointment by County Commissioners of Land Examiners and prescribing the duties and fixing the compensation of such person so appointed."

By Stout: A Bill for an Act entitled, "An Act to amend Section 830 of the Revised Codes of Montana of 1907, in regard to the apportionment of School moneys."

By Cockrell: A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 26 of Article V of the Constitution relating to prohibitions against the legislative assembly passing local or special laws in certain enumerated cases."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 3rd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read first and second times and referred:

House Bill No. 7, introduced by Woody, having been read first and second times, and referred to Committee on Finance and Claims.

House Bill No. 12, introduced by Law, having been read first and second times, and referred to Committee on Counies, Towns and Municipal Corporations.

House Bill No. 19, introduced by Moore of Silver Bow, having been read first and second times, and referred to Committee on Mines and Mining.

House Substitute Bill No. 38, introduced by Committee on Live Stock and Public Ranges, having been read first and second times, and referred to Committee on Stock Growing and Grazing.

House Bill No. 87, introduced by Berry, having been read first and second times, and referred to Committee on Education.

House Bill No. 91, introduced by Eliel, having been read first and second times and referred to Committee on Irrigation and Water Rights.

House Bill No. 96, introduced by Higgins, having been read first and second times, and referred to Committee on Finance and Claims.

House Bill No. 117, introduced by Berry, having been read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 163, introduced by Eliel, having been read first and second times and referred to Committee on Judciary.

House Bill No. 187, introduced by Eliel, having been read first and second times and referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 3rd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No. 8, introduced by Larson, being a Memorial to Congress to the United States for speedily opening the Blackfoot Reservation for settlement and all Indian rights adjusted, was this day introduced, read first and second times and referred to Committee on Federal Relation; and,

Substitute for Substitute for Senate Bill No. 33, introduced by Edwards, being a Bill for an Act entitled, "An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors, and regulating the issuance of such licenses, and providing for a revocation of license upon conviction of a penal offense," was this day introduced, read first and second times, and referred to Printing Committee.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 14, an Act to amend Section 1147 of the Revised Codes of 1907, and to add an additional section to be numbered 1147-A of the Revised Codes of 1907, relating to the examination and commitment of insane persons, and providing for their maintenance, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 1, an Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number of members thereof, read first and second times by title only, and referred to Committee on Apportionment and Representation.

S. B. No. 98, a Bill for an Act entitled, "An Act to amend Section 3342 of the Revised Codes of Montana for 1907, relative to levy of taxes by municipalities and providing for a tax levy by municipalities of not exceeding two mills of the assessed valuation of taxable property in city or town for maintaining public parks," read first and second times by title only, and referred to Committee on Affairs of Cities.

THIRD READING OF HOUSE JOINT RESOLUTIONS.

H. J. R. No. 6, respecting the contemplated visit of members of the Senate and House with respect to the proposed purchase of the property of Mitchell & Musigbrod, now used as the State Insane Asylum, having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson

of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McQuitty, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tuttle, Vaughan, Wheeler of Cascade, Williams and Mr. Speaker—50.

Noes—None.

Absent and not voting—Alley, Binnard, Byrnes, Donohue, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Hewett, Jacobson, Macdonald, McNally, Martin, Moore of Silver Bow, Owenhouse, Rodgers, Stevens, Tolman, Whaley, Wheeler of Silver Bow, Woody and Word—23.

Title agreed to.

THIRD READING OF HOUSE BILLS.

H. B. No. 153 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, Gray, Grubb, Herbold, Hickey, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Valley, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—51.

Noes—Blake—1.

Absent and not voting—Alley, Binnard, Byrnes, Donohue, Ebert, English, Gillis, Hayes, Hewettt, Higgins, Jacobson, Macdonald, Moore of Silver Bow, Murray, Nelson, Nolan, Owenhouse, Rodgers, Stevens, Whaley, Wheeler of Silver Bow—21.

Title agreed to.

Sub. H. B. No. 41 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, Gray, Grubb, Herbold, Hickey, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Alley, Binnard, Byrnes, Donohue, Ebert, English, Gillis, Hayes, Hewett, Higgins, Jacobson, Moore of Silver Bow, Murray, Nelson, Nolan, Owenhouse, Rodgers, Stevens, Wheeler of Silver Bow—19.

Title agreed to.

H. B. No. 27 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Eliel, Gray,

Grubb, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Macdonald, McMurray, McNally, McQuitty, Martin, Moore of Valley, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—50.

Noes—None.

Absent and not voting—Alley, Byrnes, Donohue, Duffy of Silver Bow, Ebert, English, Gillis, Hayes, Hewett, Jacobson, Johnson of Ravalli, Kammerer, Lissner, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Rodgers, Stevens and Whaley —23.

Title agreed to.

H. B. No. 175 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Berry, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, Gray, Hayes, Hickey, Higgins, Holt, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Alley, Baker, Bernard, Binnard, Byrnes, Donohue, Ebert, English, Gillis, Grubb, Herbold, Hewett, Jacobson, Johnson of Ravalli, Moore of Silver Bow, Murray, Nelson, Nolan and Rodgers—19.

Title agreed to.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 4th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 12, is herewith returned as requested by the Communication from the House.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

Macdonald moved as follows:

Mr. Speaker:

I move that the vote of yesterday whereby the report of the Fish and Game Committee was adopted, be reconsidered so far as it relates to S. B. No. 12.

Motion prevailed.

Macdonald moved as follows:

Mr. Speaker:

I move that S. B. No. 12 be re-committed to the Fish and Game

Committee.

Motion prevailed.

Lissner from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Commitee on Enrollment to whom was referred House Bill No. 40, introduced by Blackburn, a Bill for an Act entitled, "An Act to provide for the appointment of a stenographer by Coroners in Counties of the First Class, fixing the compensation and term of office of such stenographer," and,

House Bill No. 71, introduced by Schwartz, a Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty Dollars ($250.00) for the payment of the deficiency claim of Dr. D. S. McKenzie for service as Meat and Milk Inspector in Chouteau County, from December 1, 1904, to March 31, 1905, inclusive," beg leave to report that the same are returned herewith correctly enrolled.

Mr. Speaker at this time announced that he was about to sign H. B. No. 40, a Bill for an Act entitled, "An Act to provide for the appointment of a stenographer by Coroners in Counties of the First Class, fixing the compensation and term of office of such stenographer," and signed same in the presence of the House.

Also H. B. No. 71, a Bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty Dollars ($250.00) for the payment of the deficiency claim of Dr. D. S. McKenzie for service as Meat and Milk Inspector in Chouteou County, from December 1, 1904, to March 31, 1905, inclusive," and signed same in the presence of the House.

H. B. No. 99 having been read three several times was passed by the following vote:

Ayes—Baker, Bell, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Grubb, Hayes, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Alley, Asbridge, Bernard, Berry, Byrnes, Donohue, Ebert, Eliel, English, Gillis, Gray, Herbold, Hewett, Jacobson, Lissner, Moore of Silver Bow, Nelson, Vaughan and Whaley—19.

Title agreed to.

H. B. No. 81 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Eliel, Gray, Grubb, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurray, McQuitty, Martin, Moore of Valley, Murray, Nolan, O'Hern, Owen-

house, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker —55.

Noes—Duffy of Silver Bow, McNally and Vaughan—3.

Absent and not voting—Alley, Byrnes, Donohue, Duffy of Granite, Ebert, English, Gillis, Hayes, Herbold, Hewett, Jacobson, Moore of Silver Bow, Nelson, O'Flynn and Whaley—15.

Title agreed to.

The following notice was received:

Mr. Speaker:

I hereby give notice that I will on Monday, Feb. 6th, 1911, move to reconsider the vote on House Bill 147 by Donohue.

DONOHUE.

H. B. No. 137 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Dobell, Duffy of Granite, Eliel, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—58.

Noes—None.

Absent and not voting—Alley, Blake, Byrnes, Donohue, Duffy of Siver Bow, Ebert, English, Gillis, Hayes, Hewett, Jacobson, Moore of Silver Bow, Moore of Valley, Nelson and Whaley—15.

Title agreed to.

The hour of 11:45 o'clock A. M. having arrived the Clerk called the roll and found all members present except those paired.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 99, introduced by Committee on Stock Growing and Grazing, being a bill for an Act entitled, "An Act providing for the prosecution of actions arising out of the conduct of the affairs of the State Board of Stock Commissioners, to appoint officers to make investigations and to institute and prosecute all proper actions," report the same back to the House and recommend that it be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 24, introduced by Donlan, being a Bill for an Act entitled, "An Act to provide for the payment of the expenses of District Judges, incurred on account of holding court in Counties other than the counties wehere they reside," report the same back to the House and recommend that it be not concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Jdiciary to whom was referred House Bill No. 257, introduced by Duffy of Silver Bow, being a Bill for an Act entitled, "An Act to define the words or term "lowest responsible bidder," report the same back to the House with the recommendation that the bill do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 17, introduced by Moore of Valley County, being a Bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley, to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties, compensation and term of office of the Judge of said Judicial District," report the same back to the House and recommend that the bill do pass.

Report adopted.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except those who were paired: Everett-Groff, Leary-Survant, Muffly-Sykes.

All the members of the House were found present except those who were paired: Brady-Nelson, Murray-Moore of Silver Bow, Ebert-Gray, English-Donohue, Jacobson-Wheeler of Silver Bow, Byrnes-Hewett, Alley-Stevens.

Mr. President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Meyer, Selway and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, McCarthy and Stout—5.

For W. G. Conrad—Cockrell and Gallwey—2.

For W. R. Allen—Burlingame—1.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1.

For E. J. Owenhouse—Whiteside—1.

Total—22.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Johnson of Ravalli, Kirschwing, McMurry, McNally, McQuitty, Martin, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Woody and Word—16.

For W. G. Conrad—Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—16.

For T. H. Carter—Bernard, Blake, Burt, Grubb, Hickey, Holt, Holter, Jordan, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick and Williams—20.

For E. J. Owenhouse—Baker and Law—2.

For W. R. Allen—Bell, Tolman and Vaughan—3.

For F. C. Webster—Higgins—1.

For C. N. Pray—Reser—1.

Total—59.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	21
For T. H. Carter	31
For W. G. Conrad	18
For W. R. Allen	4
For E. J. Owenhouse	3
For C. N. Pray	2
For T. M. Swindlehurst	1
For F. C. Webster	1
Total	81
Senators Paired: Everett-Groff, Leary-Survant, Muffly-Sykes	6
Representatives Paired: Alley-Stevens,	

Brady-Nelson,
Byrnes-Hewett,
Ebert-Gray,
English-Donohue,
Jacobson-Wheeler of S. B.,
Murray-Moore of S. B..... 14

Grand total.....101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Macondald, the House adjourned at 12:30 o'clock P. M. to meet Monday, February 6th, at 11 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Thirty-Sixth Day.

Monday, February 6, 1911.

House met pursuant to adjournment, at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Burt, Ebert, Hewett, Jacobson, Moore of Silver Bow, Swick and Tuttle.

On motion of Reel the Journal of the Thirty-fourth Day as read was approved.

NOTICES OF BILLS.

By McNally: A Bill creating a State Tuberculosis Sanitarium, and providing an appropriation for the erection and maintenance of same.

By Woody: A Bill for an Act entitled, "An Act relating to the payment of the principal and interest of special improvement district warrants issued in special improvement districts of cities and towns."

By Special Committee, Kirschwing, Chairman: A Bill for an Act entitled, "An Act to create a Commission to investigate and report to the Legislature of this State, on the first day of the Legislative Session of 1913, a Bill to fairly compensate employees for injuries received in the course of employment, and defining the duties of said Commission."

By Special Committee, Kirschwing, Chairman: A Bill for an Act

entitled, "An Act to amend Section 6068, Revised Codes of Montana, relating to the measure of damage for wrongs."

By Special Committee, Kirschwing, Chairman: A Bill for an Act entitled, "An Act providing for the payment of compensation to certain employees for accidental injuries suffered in the course of their employment, and defining the rights, remedies and liabilities of certain employers and employees."

By Asbridge: A Bill for an Act entitled, "An Act to protect farm laborers and plowmen, giving them liens on crops as security for their wages, and providing for the foreclosure of the same."

By Asbridge: A Bill for an Act entitled, "An Act to create a lien upon grain for threshing the same."

By Bell: A Bill entitled, "An Act to require the publication of a list of all licenses issued by the County Treasurer quarterly, and providing penalties for the violation thereof."

By Bell: An Act entitled, "An act to require the publication of certain statements by corporations, organized under the laws of Montana, and for corporations doing business within the State of Montana, and providing penalties for the violation thereof."

By Brady, Chairman Highway Committee: A Bill for an Act entitled, "An Act to enact a General Highway Law, with an appropriation to carry its provisions out; providing for the classification and permanent improvement of the public highways and for the granting of County and State aid in certain cases, including the employment of prison labor thereon; creating a State Highway Board and the office of State Highway Commissioner, and repealing Sections 1337, 1338, 1340, 1341, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352,, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and also repealing that certain Act approved March 11th, 1909, entitled, "An Act to provide for the permanent improvement of main highways, by extension of County Aid for such purpose, to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefitted thereby, for the payment of a part of the cost thereof."

By Paul: A Bill for an Act entitled, "An Act to provide for the method of changing the name of counties within the State of Montana."

By Byrnes: A Bill for an Act to provide for issuance of permits by the State Fish and Game Warden, to persons desiring to trap non-protected fur-bearing animals, and providing for inspection of pelts of such animals before shipment from the State."

By McQuitty: A Bill for an Act entitled, "An Act to amend Section 8782 of the Revised Codes of Montana, 1907, as amended by Chapter 81 of the Session Laws of 1909, relating to the killing of deer and the open season therefor, and providing penalties for violation thereof."

By McQuitty: A Bill for an Act entitled, "An Act to establish a Substation of the Agricultural Experimental Station in Meagher County, Montana, and providing an appropriation for the support of the same."

Mr. Speaker at this time announced that he was about to sign Senate Bill No. 101, a Bill for an Act entitled, "An Act to amend Section 1641 of the Revised Codes of Montana of 1907, relating to the office of State Boiler Inspector," and signed same in the presence of the House.

Also Senate Bill No. 75, a Bill for an Act entitled, "An Act amending Section 6356 of the Revised Codes of 1907, relating to the manner of summoning Jurors in District Courts," and signed same in the presence of the House.

Also Senate Bill No. 69, "An Act authorizing the Commissioner of Insurance to examine into the affairs of any corporation, association or company in process of organization, or being promoted in this State, for the purpose of transacting the business of insurance; and providing for the publication of the result of such examination if deemed expedient and necessary," and signed same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Lissner from the Committee on Enrollment reported as follows:
Mr. Speaker:

Your Committee on Enrollment desires to report that the Governor signed House Bills 40 and 71 at 11:30 A. M. February 4, 1911.

Also Baker from the Committee on Printing reported as follows:
Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 167, 186 and 130, beg leave to report same back to the House as correctly printed.

Also Kammerer from the Committee on Banks and Banking reported as follows:
Mr. Speaker:

Your Committee on Banks and Banking to whom was referred House Bill No. 253, a Bill for an Act entitled, "An Act to amend Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana, entitled, 'Trust Deposit and Security Corporations,' by adding thereto a section which shall be designated as Section 3942-A of the Revised Codes of Montana, relating to the status, powers and term of existence of any corporation which has availed itself or attempted to avail itself of the benefits of the amendatory acts referred to in Section 3942 of the Revised Codes of Montana," having had the same under consideration, beg leave to recommend that it do pass.

Report adopted.

Also Woody from the Committee on Education reported as follows:
Mr. Speaker:

Your Commitee on Education to whom was referred Senate Bill N. 45, a bill for an Act entitled, "An Act to amend Section 899 of

the Revised Codes of 1907, relating to the duties and compensation of the Clerks of School Districts, and adding further duties to School District Clerks," having had the same under consideration, recommend that said bill be amended as follows:

By striking out the whole of subdivision 3, and inserting in lieu thereof the following: "To make annually, between the first and twentieth days of September of each year, an exact census of all the children and youths between the ages of six and twenty-one years residing in the district; and shall specify the sex, age and date of birth of such children. He shall take the name of each child, the same to be spelled out in full; the christian and surname of both parents, or guardians, including initials of all middle names, together with the place of residence of said parents or guardians, specified by street and number if living in city or town; or, if living in any other than a city or town. the postoffice address of said parents or guardians, must be given. He shall take specifically and separately a census of all children under the age of six years as in the manner aforesaid. All Children under twenty-one years of age who may be absent from home for any cause, shall be included by the district clerk in this census list of the city, town or district in which their parents reside. He shall make a full report thereof on blanks furnished for this purpose, under oath, to the County Superintendent within sixty days after the completion of the census and deliver a copy to the school trustee. Failure to make such report as specified shall constitute a misdemeanor and shall be punishable by a fine of not less than ten dollars nor more than fifty dollars. For taking the census the district clerk shall be paid by the Board of Trustees from the county school money, to the credit of the district in the same manner as other contingent expenses are paid, at a rate not exceeding ten cents for each child's name returned by him. He shall receive such other compensation for other services as may be allowed by the Board of Trustees.

In case any district clerk shall fail to take the census provided in this Act, at a proper time, and if through such neglect the district shall fail to receive its apportionment of school moneys, said school clerk shall be individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district in the name and for the benefit of the district," and that as amended, said bill be concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred Senate Bill No. 47, a Bill for an Act to amend Paragraph 3, of Section 899, Revised Codes of 1907, relating to taking the School Census and providing penalties, having had the same under consideration, recommend that the same be not concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 204, a Bill for an Act entitled, "An Act to amend Section 875 of the Revised Codes of Montana, relating to the powers and duties of school boards," having had the same under consideration, recommend that the same do pass.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 168, a Bill for an Act entitled, "An Act to authorize trustees in School Districts of the first class to acquire by purchase public play grounds, and to provide for the levy of taxes to pay for the same," having had the same under consideration, recommend that the same be indefinitely postponed.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 252, a Bill for an Act entitled, "An Act to authorize two or more school districts to unite to form a new district or to enlarge a district by the annexation of one or more districts, and to authorize expenditures for the transportation of pupils," having had the same under consideration, recommend,

First—That Section 2 thereof be amended by striking out in line 2, of said Section 2, the words, "and acknowledged."

Second—That said bill be amended by striking out the whole of Section 4.

Third—That Section 5 thereof be renumbered Section 4; that Section 6 thereof be renumbered Section 5.

And that as amended, said bill do pass.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred Senate Bill No. 79, a Bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes of 1907, relating to the election of School Trustees and classification of school districts," having had the same under consideration, recommend that it be concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 293, a Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907, relating to free county high school," having had the same under consideration recommend that it do pass.

Report adopted.

Also Woody from the Committee on Education reported as follows:
Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 45, a Bill for an Act to amend Section 876 of the Revised Codes of Montana, and prescribing the conditions under which a pupil in one school district may attend school in another district," having had the same under consideration recommend that said bill be indefinitely postponed.

Report adopted.

Also Woody from the Committee on Education reported as follows:
Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 246, a Bill for an Act entitled, "An Act to provide State Certificates for those persons who have County Professional Certificates as they exist under present law, and who have successfully taught in the public schools of this State for eight years," having had the same under consideration, recommend that it be indefinitely postponed.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:
Mr. Speaker:

Your Committee on Military Affairs to whom was referred House Bill No. 296, introduced by Stevens, being a Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907 as amended by an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines," approved March 4th, 1909, and to amend Section 2067 of the Revised Codes of Montana, 1907, providing for a suitable burial for deceased soldiers, sailors and marines," after having had same under consideration beg leave to report back to the House that the bill do pass.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:
Mr. Speaker:

Your Committee on Military Affairs to whom was referred Senate Bill No. 100, introduced by Whiteside, being a Bill for an Act entitled, "An Act to amend Section 1285, Revised Codes of the State of Montana, relating to the oath and bond of members of the Board of Managers of the Montana Soldiers' Home," after having had same under consideration beg leave to report same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:
Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 61, by Dunnigan, a Bill for an Act entitled, "An Act appro-

priating money for the payment of the Anaconda Copper Mining Company for labor and material furnished in connection with the construction and maintenance of the State Fish Hatchery at Anaconda, Montana, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 5, introduced by Whiteside, a Bill for an Act entitled, "An Act to increase the membership of the Montana State Fish Commission, and to provide for the construction of a Fish Hatchery for the propagation of food fish in Flathead County, Montana, and to appropriate money therefor, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 271, introduced by Nolan, a Bill for an Act entitled, "An Act appropriating $5,000 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders and for the appointment of a Commission to assist in the erection of memorial, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also McMurry from the Committee on Horticulture reported as follows:

Mr. Speaker:

Your Committee on Horticulture to whom was referred Senate Bill No. 95, introduced by Whiteside, a Bill for an Act entitled, "An Act for preventing the manufacture, sale and transportation of adulterated insecticides and fungicides, and for regulating traffic therein, and fixing penalties for the violation of this Act," beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

Your Committee on Privileges and Election to whom was referred Senate Bill No. 80, introduced by Muffly, a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of

Montana of an amendment to Section 5 of Article XVI of the Constitution of the State of Montana relating to elective officers of Counties," recommend that it be not concurred in.

Report adopted.

Also Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election to whom was referred House Bill No. 151, introduced by Tolman, a Bill for an Act entitled, "An Act to amend Sections 476 and 480 of the Revised Codes of the State of Montana, relating to registration," recommend that it do not pass.

Report adopted.

Also Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election to whom was referred House Bill No. 268, introduced by Byrnes, a Bill for an Act entitled, "An Act to amend Article I, Chapter XIII, Title II, Part III of the Political Code of the State of Montana, being Sections 637 and 638 of the Revised Codes of Montana of 1907, relating to the election of United States Senators," recommend that it do pass.

Report adopted.

Also Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election to whom was rereferred House Bill No. 284 introduced by Byrnes, a Bill for an Act entitled, "An Act to amend Article I, Chapter XIII, Title II, Part III of the Political Codes of the State of Montana, being Sections 637 and 638 of the Revised Codes of Montana of 1907, relating to the election of United States Senators," recommend that it do pass.

Report adopted.

Also Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election to whom was referred House Bill No. 270, introduced by Byrnes, a Bill for an Act entitled, "An Act to amend Section 545 of the Revised Codes of Montana of 1907, in relation to the form of ballots to be used at Elections," recommend that it do pass.

Report adopted.

Asbridge moved that Senate Bill No. 99, a Bill for an Act entitled, "An Act providing for the prosecution of actions arising out of the conduct of the affairs of the State Board of Stock Commissioners to appoint officers to make investigation and to institute and prosecute all proper actions," be made a special order for 2:00 o'clock this afternoon.

Motion prevailed.

The hour of 11:45 o'clock A. M. having arrived the Chief Clerk called the roll of the House and found all members present except those paired.

By unanimous consent of the House Binnard was granted permission to introduce a bill without previous notice having been given.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Binnard, H. B. No. 307: A Bill for an Act entitled, "An Act to create the offices of Official Stenographer and Reading Clerk in the House of Representatives of the State of Montana, and fixing their compensation."

By Tolman, H. B. No. 308: A Bill for an Act entitled, "An Act to amend Section 4349 of the Revised Codes of Montana, relating to Railway rates."

By Dobell, H. B. No. 309: A Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to the Constitution of Montana, amending Sections 3 and 17 of Article XII, relating to revenue and taxation, and providing for the separate taxation of minerals."

By McNally, H. B. No. 310: A Bill for an Act entitled, "An Act to establish a State Hospital to be known as the 'Montana State Tuberculosis Sanatorium' in some suitable location in the State of Montana, for the treatment of Tuberculosis and also what is commonly known as Miner's Consumption, prescribing rules and regulations for the same, and making appropriation therefor."

By McMurry, H. B. No. 311: A Bill for an Act relating to Horticulture and prescribing penalties for the violation thereof, and repealing Sections 1917 to 1947, inclusive, of the Revised Codes of the State of Montana of 1907."

By Binnard, H. B. No. 312: A Bill for an Act entitled, "An Act to enable the Board of County Commissioners of Counties of the first-class to allow claims for services rendered at the special instance and request of county officers."

Also House Joint Memorial No. 6, introduced by Byrnes: Requesting the Congress of the United States to take steps to prohibit the changing of the old names of Montana's mountains and streams.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 4, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, Senate Bills Nos. 72, 87, 106 and 96 having been read three severfal times and passed are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

INTRODUCTION OF SENATE BILLS.

The following Senate Bills were introduced and placed on file:

S. B. No. 72, a Bill for an Act entitled, "An Act defining the term "itinerant vendors," to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes."

S. B. No. 87, a Bill for an Act entitled, "An Act to cede certain State School Lands to the United States in lieu of other lands and providing for the selection of the lieu lands."

S. B. No. 106, a Bill for an Act entitled, "An Act to pay the increase of salary of the Second Assistant State Examiner as provided for by appropriation."

S. B. No. 96, a Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana, 1907, relating to the classification of Insurance Corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith."

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in joint assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except those paired, Everett-Groff, Leary-Survant.

All the members of the House were found present except the following who were paired: Tuttle-Holter, Byrnes-Hewett, Wheeler of Silver Bow-Jacobson, Reel-Burt, Moore of Silver Bow- Blake, Ebert-Gray, Wheeler of Cascade-Swick.

The President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Meyer, Selway and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, McCarthy and Stout—5.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1.

For C. B. Nolau—Whiteside—1.

Total—24.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Nolan, O'Hern, Whaley, Woody and Word—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn and Mr. Speaker—17.

For T. H. Carter—Bernard, Eliel, English, Grubb, Hickey, Holt, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story and Williams—20.

For W. R. Allen—Bell, Tolman and Vaughan—3.

For F. C. Webster—Higgins—1.

For R. L. Word—Law—1.

For C. B. Nolan—Owenhouse—1.

For C. H. Pray—Reser—1.

Total—59.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	31
For W. G. Conrad	20
For W. R. Allen	5
For C. N. Pray	2
For C. B. Nolan	2
For T. M. Swindlehurst	1
For F. C. Webster	1
For R. Lee Word	1
Total	83
Paired—Senate—	
Everett-Groff,	
Leary-Survant	4
Paired—House—	
Tuttle-Holter,	
Byrnes-Hewett	
Wheeler of S. B.-Jacobson,	
Reel-Burt,	
Moore of S. B.-Blake,	
Ebert-Gray,	
Wheeler of Cascade-Swick	14
Grand total	101

The President thereupon announced no election.

Senator Duncan offered the following motion:

Mr. President:

I move you that for the purpose of securing of the attendance of absent members at the Joint Session of the Legislative Assembly, the following rule be adopted:

Whenever it appears by roll call in joint session of the Legislative Assembly, convening for the purpose of balloting for United States Senator, that any member or members of the Legislative Assembly is or are absent, unless previously excused by the Joint Assembly or paired, upon a demand for a call of the Joint Session made by twenty-five members of said Joint Assembly, a call of the Joint Assembly shall thereupon be ordered, and the Sergeant at Arms of the House and the Sergeant at Arms of the Senate shall thereupon be directed to enforce the presence of such absent member or members, and until the presence of such absent member or members is secured, no business can be transacted by the Joint Assembly, unless in the meantime a suspension under said call is ordered.

Senator Donlan moved that this motion be laid on the table.

Motion lost.

Eliel moved that this motion be referred to a special Committee of three to be appointed by the President of the Joint Assembly and said Committee to report back at the next Joint Session.

Motion lost.

Original motion carried.

On motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the Chair.

Blackburn moved that an appropriate committee be appointed to draft resolutions on the death of the Mother-in-law of Representative O'Flynn and that as a further mark of respect the House adjourn to meet tomorrow morning at 10:00 o'clock A. M.

Motion prevailed unanimously and Mr. Speaker appointed the following committee:

Blackburn, Crouch and Blake.

Pursuant to the above motion the House thereupon adjourned at 12:45 o'clock P. M. to meet at 10:00 o'clock A. M. tomorrow morning.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Thirty-Seventh Day.

Tuesday, February 7, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Brady.

On motion of Reel the Journal of the Thirty-sixth Day as read was approved.

NOTICES OF BILLS.

By Story: A Bill for an Act entitled, "An Act to provide for the appointment of a Tax Commissioner, to prescribe the duties thereof, and to appropriate money therefor."

By Story: A Bill for an Act entitled, "An Act authorizing the Tax Commission of the State of Montana to examine and secure the attendance of witnesses, and the production of books, papers and documents before it."

By Vaughan: A Bill for an Act entitled, "An Act to more clearly define the purposes for which corporations may be formed."

By Law: A Bill for an Act to legalize the incorporation of towns made prior to December 31st, 1910, and validoting the official acts of the Town Councils of such incorporated Towns."

REPORTS OF STANDING COMMITTEES.

Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred Substitute for House Bill No. 13, entitled, "A Bill for an Act in aid of the Disability Fund of Fire Departments in incorporated cities for the relief of sick, injured and retired Firemen, and the pensioning of the widows and orphans of the deceased Firemen, and assigning to said fund certain portions of the licenses derived by the State from Fire Insurance Companies doing business within the State," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 301, entitled, "An Act to enable the State of Montana to purchase four hundred maps of the State of Montana for State and School purposes," beg leave to recommend that the bill be amended by inserting before the word "An" in the first line of the title, the words "A Bill for," and as thus amended they recommend that it do pass.

Report adopted.

Also, Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 222, entitled, "A Bill for an Act entitled, "An Act to amend Section 2502 of the Revised Codes of Montana of 1907, relating to the assessment of property for taxation," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also, Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under Consideration Senate Bill No. 14, introduced by Donlan, the same being a Bill for an Act entitled, "An Act to amend Section 1147 of the Revised Codes of 1907, and to add an additional Section to be numbered 1147-a, of the Revised Codes of 1907, relating to the examination and commitment of insane persons, and providing for their maintenance," respectfully recommend that the same be concurred in.

Report adopted.

Also, Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 92, introduced by Donlan, the same being a Bill for an Act entitled, "An Act defining the powers and duties of the State Board of Examiners with reference to the erection, completion, decorating and furnishing of the wings of the State Capitol Building," respectfully recommend that the same be concurred in.

Report adopted.

Also, Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 26, introduced by Whiteside, the same being a Bill for "An Act to appropriate money to pay the cost of Farmers' Institute work in the State of Montana". The subject matter of this Bill is covered by a measure which already has passed the House, and is now under consideration in the Senate, and the Senate requesting that this bill should be returned without further action on the part of the House, we recommend that no further action be taken in reference to this Bill, and that it be returned to the Senate pursuant to the request so made.

Report adoptel.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred House Bill No. 306, introduced by Reser, being a Bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of "Old Fort Benton," after having had same under consideration beg leave to report back to the House that the Bill do pass.

Report adopted.

Also McNally from the Committee on Labor reported as follows: Mr. Speaker:

We your Committee on Labor to whom was referred House Bill No. 212, introduced by Williams, entitled, "An Act to amend Section 268 of the Revised Codes of 1907, relating to the schedule of wages of persons employed in the operating of the heating plant at the State Capitol," beg leave to report that they recommend that it do pass.

Report adoptel.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

Murray was granted permission to introduce a Bill without previous Notice having been given.

By Bell, H. B. No. 313: A Bill for an Act entitled, "An Act to require the publication of certain statements by corporations, organized under the laws of Montana, and for corporations doing business within the State of Montana, and providing penalties for the violation thereof."

By Bell, H. B. No. 314: A Bill for an Act entitled, "An Act to require the publication of a list of all licenses issued by the County Treasurer quarterly, and providing penalties for the violation thereof."

By Kirschwing, Brady and Story, (Special Committee), H. B. No. 315: A Bill for an Act entitled, "An Act providing for the payment of compensation to certain employees for accidental injuries suffered in the course of their employment, and defining the rights, remedies and liabilities of certain employers and employees."

By Kirschwing, Brady and Story, (Special Committee), H. B. No. 316: A Bill for an Act entitled, "An Act to amend Section 6068 Revised Codes of Montana, relating to the measure of damage of wrongs."

By McNally, H. B. No. 317: A Bill for an Act entitled, "An Act to appropriate money for the establishment of the State Hospital to be known as the "Montana State Tuberculosis Sanatorium," for the treatment of Tuberculosis and Miner's Consumption, and also for the maintenance of said Sanatorium when established."

By Asbridge, H. B. No. 318: A Bill for an Act entitled, "An Act to create a lien upon grain for threshing the same, and to provide for the foreclosure thereof."

By Byrnes, H. B. No. 319: A Bill for an Act entitled, "An Act providing for the issuance of permits by the State Game and Fish Warden or Deputy State Game and Fish Wardens, to persons desiring to trap,

take, kill or capture, bears, mountain lions, wild cats, lynx, mink, otters, fishers, muskrats, martens, wolves, coyotes, foxes, skunks, and other non protected fur bearing animals, and prohibiting the shipment of pelts of any of said animals from the State of Montana, until the same have been duly inspected by the State Game and Fish Warden or Deputy State Game and Fish Warden, and certificates of inspection issued by said inspecting officer which is to be presented by consignor to transportation company or common carrier at time of shipment of pelts, and providing penalties for violation of the provisions of this Act."

By McQuitty, H. B. No. 320: A Bill for an Act entitled, "An Act to amend Section 8782 of the Revised Codes of Montana of 1907, as amended by Chapter 81 of the Session Laws of 1909, relating to the killing of deer and the open season therefor, and providing penalties for violation thereof."

By Asbridge, H. B. No. 321: A Bill for an Act entitled, "An Act to protect farm laborers and plowmen, giving them liens on crops as security for their wages and providing for the foreclosure of the same."

By Paul, H. B. No. 322: A Bill for an Act entitled, "An Act to provide for the method of changing the name of Counties within the State of Montana."

By Murray, H. B. No. 323: A Bill for an Act entitled, "An Act to amend Section 153 of the Revised Codes of 1907, relating to the custody of records and duties of the Secretary of State."

By Vaughan, House Joint Memorial No. 7: "A Memorial to Congress relating to the practice of polygamy and requesting a constitutional convention to amend United States Constitution as provided by Article V thereof."

READING OF SENATE BILLS.

S. B. No. 87, read second time by title only, and referred to Committee on Federal Relations.

S. B. No. 72, read second time, by title only, and referred to Committee on Townships and Counties.

S. B. No. 96, read second time by title only and referred to Committee on Insurance.

S. B. No. 106, read second time at length and referred to Special Committee consisting of Blackburn, Macdonald and Hewett.

READING OF BILLS.

H. B. No. 307, read second time by title only, and referred to Committee on House Employees.

H. B. No. 308, read second time by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 309, read second time by title only, and referred to Committee on Judiciary.

H. B. No. 310, read second time at length and referred to Committee on Labor.

H. B. No. 311, read second time by title only, and referred to Committee on Horticulture.

H. B. No. 312, read second time by title only, and referred to Committee on Townships and Counties.

H. B. No. 313, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 314, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 315 read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 316, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 317, read first and second times at length and referred to Committee on Labor.

H. B. No. 318, read first and second times by title only, and referred to Committee on Agriculture.

H. B. No. 319, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 320, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 321, read first and second times by title only, and referred to Committee on Agriculture.

H. B. No. 322, read first and second times by title only, and referred to Committee on Counties and Divisions.

H. B. No. 323, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. J. M. No. 6, read second time by title only, and referred to Committee on Federal Relations.

H. J. M. No. 7, read first and second times by title only, and referred to Committee on Federal Relations.

Lissner moved that H. J. Resolution No. 4, be returned to the Senate for correction.

Lissner from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 27, introduced by Macdonald, a Bill for an Act entitled, "An Act to regulate the dispensing, sale and giving away of opium, morphine, alkaloid-cocaine, or alpha or beta eucaine or codeine or heroin or any derivative mixture or preparation, prescribing of the same by licensed physicians or veterinarians, providing penalty for the violation thereof and repealing all acts and parts of acts in conflict herewith," and

Also Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment desires to report that we transmitted House Bill No. 27, to the Governor at 10:50 A. M., of this date.

Mr. Speaker announced at this time that he was about to sign

H. B. No. 27, a Bill for an Act entitled, "An Act to regulate the dispensing, sale and giving away of opium, morphine, alkaloid-cocaine or alpha or beta eucaine, or codeine or heroin, or any derivative, mixture, or preparation of any of them, the prescribing of the same by licensed physicians or veterinarians, providing penalty for the violation thereof, and repealing all acts and parts of Acts in conflict herewith," and signed same in the presence of the House.

Baker from the Committtee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 169, beg leave to report same back to the House as correctly printed.

MOTIONS AND RESOLUTIONS.

Helena, Montana, Feb. 7th, 1911.

Mr. Speaker:

Announcement having previously been given of the death of Mrs. B. G. Habing, the mother in-law of the Honorable E. F. O'Flynn, your Committee appointed to draw up Resolutions of condolence, beg leave to submit the following:

WHEREAS, In obedience to the will of an All-Wise Providence, the beloved mother-in-law of the Honorable E. F. O'Flynn has been called to her reward; and,

WHEREAS, The Honorable E. F. O'Flynn is an Honorable Member of the House of Representatives of the Twelfth Legislative Assembly of the State of Montana;

BE IT RESOLVED, That this Body extend to Representative and Mrs. E. F. O'Flynn, and to the family of the deceased, its deepest sympathy and condolence in their bereavement.

AND BE IT FURTHER RESOLVED, That a copy of these Resolutions be spread upon the records of the Twelfth Legislative Assembly of the State of Montana.

G. E. BLACKBURN,
SAM J. CROUCH,
HAROLD BLAKE,
Committee.

On motion of Blake the Resolution was unanimously adopted.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

I have this day approved and deposited with the Secretary of State the following Bills:

House Bill No. 40—An Act to provide for the appointment of a stenographer by coroners in counties of the first class, fixing the compensation and term of office of such stenographer.

House Bill No. 71—An Act to appropriate two hundred and fifty dollars ($250.00) for the payment of the deficiency claim of Dr.

D. S. McKenzie for services as Meat and Milk Inspector in the County of Chouteau from December 1, 1904, to March 31, 1905, inclusive.

(Signed): EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 4, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that House Joint Resolution No. 4, having been read three several times and concurred in is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 4, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following notices of the introduction of bills were this day given:

By Burlingame: A Bill for an Act entitled, "An Act to amend Section 3264 of the Revised Codes of Montana," providing for the publication of all ordinances and resolutions in the nature of ordinances."

By Burlingame: A Bill for an Act entitled, "An Act to authorize the creation of districts for lighting streets in cities of first class, and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon, and the remainder of such cost against the city at large."

By Burlingame: A Bill for an Act entitled, "An Act to amend Section 1509 and Section 1564 of the Revised Codes of Montana, 1907, providing that sewerage system must be approved by the State Board of Health and relating to the pollution of water supply."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 4, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 129, by Stout: A Bill for an Act entitled, "An Act providing for the appointment by County Commissioners of land examiners and prescribing the duties and fixing the compensation of such person so appointed." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 130, by Stout: A Bill for an Act entitled, "An Act to amend Section 830 of Revised Codes of Montana of 1907, in regard to the apportionment of school moneys." Referred to Committee on Education.

Senate Bill No. 131, by George: A Bill for an Act entitled, "An Act providing for the removal of assessors and members of the

Board of Equalization for delinquency or misfeasance in office." Referred to Committee on Judiciary.

Senate Bill No. 132, by Leighton: A Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of 1907, relating to exemption from taxation." Referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 4, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that House Bill No. 57, introduced by Bell, was this day read first and second time and referred to Committee on Education, and House Bill No. 88, introduced by Binnard, was this day read first and second time and referred to Committee on Fish and Game; and,

House Bill No. 118, introduced by Berry, read first and second time and referred to Committee on Counties, Towns and Municipal Corporations; also,

House Bill No. 181, introduced by McNally, was this day read first and second time and referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 6, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 133, by Burlingame: A Bill for an Act entitled, "An Act to amend Section 3264 of the Revised Codes of Montana," Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 134, by Burlingame: A Bill for an Act entitled, "An Act to amend Section 1509 and Section 1564 of the Revised Codes of Montana, 1907, providing that sewerage system must be approved by the State Board of Health and relating to the pollution of water supply," Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 135, by Burlingame: A Bill for an Act entitled, "An Act to authorize the creation of districts for lighting streets in cities of the first class and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon, and the remainder of such cost against the city at large." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 136, by Edwards: A Bill for an Act entitled, "An Act to create the State Bureau of Census, and to provide for the

taking of census within the State of Montana." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 137, by McCone: A Bill for an Act entitled, "An Act to amend Section 840 of the Compiled Laws of the State of Montana." Referred to Committee on Education.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 6, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following House Bills were read first and second times and referred:

House Bill No. 41, by Committee on Live Stock and Public Ranges, read first and second times and referred to Committee on Stock Growing and Grazing.

House Bill No. 81, by Law, read first and second times and referred to Committee on Education.

House Bill No. 99, by Grubb, read first and second times and referred to Committee on Fairs and Expositions.

House Bill No. 137, by Holter, read first and second times and referred to Committee on Insurance.

House Bill No. 153, by Eliel, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 175, by O'Hern, read first and second times and referred to Committee on Agriculture and Manufacture.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 6, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following notices of the introduction of bills were this day given:

By George: A Bill for an Act entitled, "An Act to amend Subdivision Three of Section 7341 of the Revised Codes of Montana, of 1907, relating to proceeding under the right of eminent domain."

By George: A Bill for an Act to define and regulate public utilities.

By Sykes: A Bill for an Act entitled, "An Act to provide penalties to be imposed for the neglect, failure or refusal of any public officer to perform the duties imposed upon him by law."

By Sykes: A Bill for an Act entitled, "An Act to amend Section 6364 of the Revised Codes of Montana."

By Sykes: A Bill for an Act entitled, "An Act to amend Section 9006 of the Compiled Laws of the State of Montana."

By Whiteside: A Bill for an Act entitled, "An Act to regulate the running of Live Stock at large."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

On motion of Asbridge H. B. No. 99 was made a special order for this afternoon at 1:59 o'clock P. M.

On motion of Duffy of Granite, H. B. No. 111 was made a special order for 3:30 o'clock P. M. today.

On motion of Nolan, the motion, notice of which was given by Donohue on Saturday to reconsider H. B. No. 147 was allowed to be made.

Donohue moved that H. B. No. 147 be now reconsidered.

O'Flynn moved that the motion to reconsider H. B. No. 147 be laid on the table and the motion to table said motion was lost by the following vote:

Ayes—Alley, Blackburn, Byrnes, Crouch, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Hickey, Higgins, Holt, Johnson of Lewis and Clark, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Murray, O'Flynn, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Slayton, Swick, Wheeler of Cascade, Williams, and Mr. Speaker—32.

Noes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Dobell, Donohue, Duffy of Granite, English, Grubb, Hayes, Herbold, Hewett, Holter, Jacobson, Johnson of Ravalli, Jordan, Kammerer, Martin, Moore of Valley, Nolan, O'Hern, Reser, Sarter, Stevens, Story, Tolman, Tuttle, Vaughan and Word—32.

Absent and not voting—Brady, Burt, Kirschwing, Moore of Silver Bow, Nelson, Schwartz, Whaley, Wheeler of Silver Bow and Woody —9.

Also the original motion by Donohue that H. B. No. 147 be reconsidered was lost.

THIRD READING OF HOUSE BILLS.

H. B. No. 122, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Word and Mr. Speaker—64.

Noes—Jordan and Williams—2.

Absent and not voting—Brady, Duffy of Silver Bow, Moore of Silver Bow, Schwartz Stevens, Whaley and Woody—7.

Title agreed to.

On motion of Binnard the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Binnard in the chair.

House resumed.

Mr. Speaker in the chair.

Binnard from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 25, a Bill for an Act to amend Section 288 of the Revised Codes of 1907, concerning Free Public Employment Offices, having had same under consideration beg leave to report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 64, a Bill for an Act entitled, "An Act to amend Section 8792, relating to the catching of fish," report same back to the House with the recommendation that it be concurred in.

Report of the Committee of the Whole adopted.

The hour of 11:45 having arrived, the Chief Clerk called the roll and found all members present except Brady and Nelson who were paired.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 7, 1911.

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

For the information of the House I am transmitting herewith a copy of a telegram this day received at my office relative to the coming of Mr. Herbert Myrick, who has been invited to address the Assembly on the question of reciprocity with Canada.

(Signed): EDWIN L. NORRIS, Governor.

Western Union Telegram,
Received 11:10 A. M.

Grand Forks, N. D., Feb. 7, 1911.

His Excellency Edwin L. Norris,
Governor of Montana,
Helena, Montana.

President Myrick due Helena evening ninth. Must leave evening tenth. Will address Assembly any convenient hour that does not conflict with Commercial Club plans.

(Signed): MALCOLM SPEARNS.

On motion of Baker a committee of three was appointed to confer with the Secretary of the Commercial Club and report back to the House any arrangements made pursuant to telegram transmitted by the Bovernor.

Mr. Speaker thereupon appointed the following committee: Baker, McQuitty and Bell.

Lissner moved as follows:

Mr. Speaker:

I move that when we recess Wednesday afternoon that we recess to meet the same evening at 7:30 P. M.

Motion carried.

Macdonald moved to hold an evening session at 8:00 o'clock tonight,

Motion carried.

O'Flynn moved that H. B. No. 78, a Bill for an Act entitled, "An Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana of 1907 relating to the examination and qualification of teachers' and the grades of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907 relating to the status of graduates of the State Normal College and to repeal Section 964 of the Revised Codes of 1907," now on General Orders be recommitted to the Committee on Education.

Motion prevailed.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except Brady and Nelson who were paired.

The President, finding a quorum of both sides present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—13.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1.

For C. B. Nolan—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Byrnes, Donohue, Ebert, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Nolan, O'Hern, Whaley, Wheeler of Silver Bow, Woody and Word —17.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy, of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—19.

For T. H. Carter—Bernard, Blake, Bert, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story Swick and Williams—26.

For W. R. Allen—Bell, Tolman and Vaughan—3.

For F. C. Webster—Higgins—1.

For R. L. Word—Law and Owenhouse—2.

For J. Kirschwing—Moore of Silver Bow—1.

For C. N. Pray—Reser—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	24
For T. H. Carter	39
For W. G. Conrad	22
For W. R. Allen	5
For C. N. Pray	2
For C. B. Nolan	2
For R. L. Word	2
For T. M. Swindlehurst	1
For F. C. Webster	1
For J. Kirschwing	1
Total	99
Paired: Brady-Nelson	2
Grand total	101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Hewett the House took a recess at 12:15 o'clock P. M. until 1:59 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 1:59 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State, House Bill No. 27, "An Act to regulate the dispensing, sale and giving away of opium, morphine, alkaloid-cocaine or alpha or beta eucaine, or codeine, or heroin, or any derivative, mixture, or preparation of any of them, the prescribing of the same by licensed physicians or veterinarians, providing penalty for the violation thereof, and repealing all Acts and parts of Acts in conflict herewith."

(Signed:) EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena Montana, February 4, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 187, introduced by Eliel, a Bill for an Act entitled, "An Act making it the duty of every Board of County Commissioners to supply each justice of the peace within the County, with a copy of the Revised Codes of Montana, 1907, the Session Laws enacted by subsequent Legislative Assemblies and also a docket;" also,

House Bill No. 163, introduced by Eliel, a Bill for an Act entitled, "An Act to punish the givng of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same," having been referred to Committee on Judiciary, committee recommend bills 163 and 187 be not concurred in, report adopted bills are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 6, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 47, introduced by Nolan, also H. B. No. 117, introduced by Berry, also H. B. No. 170, introduced by Grubb, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Helena, Montana, February 7, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that in accordance with the request of the House, that House Joint Reso-

lution No. 4 relating to purchase of type-writers, which was returned to the Senate for correction of title, on motion, the Secretary of the Senate was instructed to amend title of Resolution to conform with Senate amendment to body of Resolution, and is herewith returned for concurrence in Senate amendment to title.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

On motion of Grubb the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Grubb in the chair.

House resumed.

Mr. Speaker in the chair.

Grubb from the Commitee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 99, a Bill for an Act entitled, "An Act providing for the prosecution of actions arising out of the conduct of the affairs of the State Board of Stock Commissioners, to appoint officers to make investigation and to institute and prosecute all proper actions," having had same under consideration beg leave to report same back to the House with the recommendation that it be concurred in.

Report of the Committee of the Whole adopted.

On motion of Blake the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Grubb in the chair.

House resumed.

Mr. Speaker in the chair.

Grubb from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Substitute House Bill No. 263, a Bill for an Act entitled, "An Act providing for a commission form of Government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 111, a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Article IX of the Constitution of the State of Montana by adding a new clause to be numbered Section 14 of said Article, providing for the recall of public officers," report same back to the House with the recommendation that it be re-referred to the Committee on Judiciary.

On motion of Donohue, the House took a recess at 5:15 o'clock P. M. to meet at 8:00 o'clock P. M. tonight.

EVENING SESSION.

House met pursuant to recess at 8:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

No objection being offered, Mr. Speaker reverted back to the Sixth Order of Business.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By unanimous consent, the Committee on Appropriations was granted permission to introduce two bills and Donohue was granted permission to introduce one bill, without previous notice having been given.

By Committee on Appropriations, H. B. No. 324: A Bill for an Act entitled, "An Act appropriating the sum of Two Hundred and Fifty ($250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection."

By Committee on Appropriations, H. B. No. 325: A Bill for an Act entitled, "An Act appropriating money to reimburse members of the Conservation Commission, the Road Commission and the Employers Compensation Commiission, appointed by the Governor, for the amount of actual expenses incurred in connection with the performance of their work."

By Donohue, H. B. No. 326: A Bill for an Act entitled, "An Act to amend Section 1484 of the Revised Codes of 1907, relating to local boards of health."

By Martin, H. B. No. 327: A Bill for an Act entitled, "An Act to provide for the removal from office of any sheriff or county attorney who has refused or neglected to perform the duties pertaining to his office, defining the duties of the Governor with respect thereto, and prscribing the procedure therefor."

READING OF BILLS.

The following Bills were taken from the file:

H. B. No. 324, read first and second times at length and referred to the Committee on State Boards and Officers.

H. B. No. 325, read first and second times at length and referred to the Committee on State Boards and Officers.

H. B. No. 326, read first and second times by title only, and referred to the Committee on State Boards and Officers.

H. B. No. 327, read first and second times by title only, and referred to the Committee on Privileges and Election.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Joint Resolution No. 4, introduced by Duffy of Granite, a Bill "in relation

to the purchase of new typewriting machines for the Twelfth Legislative Assembly, and empowering the Secretary of State to dispose of any machines which in his judgment should be disposed of," as correctly engrossed.

Also

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 235, 104, 220, 266, 259, 85, 255, 100, 193, 279, 291, 281 and 143, and Substitute for House Bills 103 and 283 beg leave to report same back to the House as correctly printed.

On motion of Donohue, House Bill No. 220 was made a Special Order of Business for Thursday afternoon, Feb. 9, at 2:00 o'clock.

On motion of Paul, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Paul in the chair.

House resumed.

Mr Speaker in the chair.

Paul from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Substitute for Senate Bill No. 4, a Bill for an Act entitled, "An Act to create the County of Musselshell, designate its boundaries and provide for its organization and government, and to change the boundaries of Fergus, Meagher and Yellowstone counties to conform thereto," having had same under consideration, beg leave to report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration Senate Bill No. 55, a Bill for an Act entitled, "An Act changing and defining the boundaries of Beaverhead and Madison Counties," report same back to the House with the recommendation that it be re-referred to the Committee on New Counties and Divisions.

Also having had under consideration Senate Bill No. 57, a Bill for an Act to amend Chapter IV, Title XIV, of the Revised Codes of Montana, entitled "Miscellaneous Liens," by adding thereto Section 5818-a, 5818-b, 5818-c, 5818-d and 5818-e, in relation to Seed Liens and the enforcement thereof, report same back to the House with the recommendation that it be re-referred to the Committee on Judiciary.

Also having had under consideration Senate Bill No. 79, a Bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes of 1907, relating to the election of School Trustees and classification of School Districts," report same back to the House with the recommendation that it be concurred in.

Paul moved that the report of the Committee of the Whole be adopted.

Eliel moved as a Substitute Motion that the report of the Com-

mittee of the Whole be adopted except that part of the report relating to Senate Bill No. 55.

Substitute motion lost.

Original motion of Paul adopted.

On motion of Kirschwing the House adjourned at 10:00 o'clock P. M. to meet tomorrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Thirty-Eighth Day.

Wednesday, February 8, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Reel the Journal of the Thirty-seventh Day as read was approved.

NOTICES OF BILLS.

By Paul: A Bill for an Act entitled, "An Act to amend Sections 8782 and 8784 of the Revised Codes of Montana of 1907, as amended by Chapter 81 Session Laws of the Eleventh Legislative Assembly, relating to the open season for killing of Game."

By Alley: A Bill for an Act entitled, "An Act granting to the City or Town Council of cities or towns of the State of Montana, the power to cause the removal or destruction of any house, building or other structure within the city limits of such city or town, which is insecure or liable to cause injury to surrounding property by reason of fire, or which by reason of dilapidation or abandonment is not habitable or tenantable."

By Alley: "A Bill for an Act to amend Section 3131 of the Revised Codes of Montana of 1907, relative to the number of assistants and deputies to be allowed county attorneys in counties of the first class."

By Alley: A Bill for an Act entitled, "An Act to provide for the distribution of joint rates made over two or more connecting lines of railway."

By Nolan: A Bill for an Act entitled, "An Act to define and regulate public utilities."

By Bernard: A Bill for the establishment of a sub-station in Horticulture and for the purpose of carrying on experimental work in same in Lincoln County, Montana.

REPORTS OF STANDING COMMITTEES.

Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 48 entitled, a Bill for an Act entitled, "An Act defining the powers and duties of the Register of State lands, and fixing his bond; creating the office of Receiver for State lands, providing for his apopintment, fixing his salary, and defining his powers and duties; providing that the State Board of Land Commissioners shall have power to appoint a clerk, and such other office force as may be necessary, and repaling Section XXII, of Chapter 147 Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the management and control of State lands," after having had the same under consideration, beg leave to report with the recommendation that it be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 241, entitled, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector," beg leave to report, that after having had the same under consideration, recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 245 entitled, "A Bill for an Act entitled, an Act to create and establish a Bureau of Legislative Information and Reference; designating its members, and defining its powers and duties," beg leave to report that after having had the same under consideration recommend that it do not pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 54 entitled, "A Bill for an Act to create the Office of State Sealer of Weights and Measures and providing the duties and pawers relative to the inspection and sealing of weights and measures, and providing penalties for the violation thereof," beg leave to report that after having had the same under consideration recommend that it be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred

Senate Bill No. 60 entitled, a Bill for an Act entitled, "An Act to authorize the State Board of Examniers of Montana to prepare and have indexed, printed and bound copies of the debates and proceedings of the Constitutional Convention of the State of Montana, and to provide for distribution of the same and providing an appropriation therefor," beg leave to report that after having had the same under consideration recommend that it be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 242 entitled, a Bill for an Act entitled, "An Act to amend Section 1664 of the Revised Codes of Montana, as amended by Section 2, of Chapter 36 of Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal protection," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 234 entitled, "An Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and forty cents, turned into the Treasury of the State of Montana through error by the Board of Commissioners for the Insane" beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 146, introduced by Vaughan, being a bill for an Act entitled, "An Act to regulate common carriers, and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employes upon railway trains, and to confer upon the Railroad Commissions of Montana certain powers in relation thereto," having had the same under consideration beg leave to recommend that further action on it be indefinitely postponed, and that the Committee substitute Bill returned herewith in lieu thereof do pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

We your Committee on New Counties and Divisions to whom was referred House Bill No. 150 introduced by Wheeler, being a Bill for an Act entitled, "An Act to create the county of Daly designating its boundaries and providing for its organization and government," after having had same under consideration beg leave to report back to the House with the recommendation that the bill do not pass.

Report adopted.

Also Duffy of Silver Bow from the Committee on House Employees reported as follows:

Mr. Speaker:

Your Committee on House Employees, having had under consideration House Bill No. 307, being a Bill for an Act entitled, "An Act to create the office of Official Stenographer, and Reading Clerk in the House of Representatives of the State of Montana, and fixing their compensation," recommend that the same do pass.

Report adopted.

Also McNally from the Committee on Labor reported as follows:

Mr. Speaker:

We your Committee on Labor to whom was referred House Bill No. 310, introduced by McNally, entitled, "An Act to establish a State Hospital, to be known as the "Montana State Tuberculosis Sanatorium," in some suitable location in the State of Montana for the treatment of tuberculosis and also what is commonly known as Miner's Consumption, prescribing rules and regulations for the same, and making provisions therefor," beg leave to report that the Chairman was authorized to report back to the House that this bill do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs to whom was referred House Bill No. 247, introduced by Tolman by request, being a Bill for an Act entitled, "An Act defining the duties of physicians practicing in the State of Montana, prescribing their compensation and penalties for failure in the discharge of duty," having had the same under consideration recommend that it do not pass.

Report adopted.

Also McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to which was referred House Bill No. 317, "An Act to appropriate money for the erection and maintenance of a State Sanatorium for the care and treatment of tuberculosis," recommend that the Bill be referred to the Committee on Appropriations with the recommendation that it do pass.

Report adopted.

Also McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to which was referred House Bill No. 219 beg leave to report having had under consideration House Bill

No. 219 entitled, "An Act to establish a State Hospital, to be known as the "Montana State Tuberculosis Sanatorium," in some suitable location in the State of Montana for the treatment of Tuberculosis and also what is commonly known as Miner's Consumption, prescribing rules and regulations for the same, and making provisions therefor," that on account of the similarity of two bills, recommend that House Bill No. 219 be indefinitely postponed.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs to whom was referred House Bill No. 152 introduced by Roberts, being a Bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity and to provide for the licensing of vendors of the same," having had the same under consideration recommend that the bill do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs to whom was referred Senate Bill No. 53 introduced by Burlingame, being a Bill for an Act entitled, "An Act requiring the registration of all trained nurses, providing a Board of Registration and Examination, fixing the number, duties and qualifications of said Board and providing for the registration of nurses, providing penalties for violation of said Act," recommend that the following amendments be made:

In lines 14 and 17 by striking out the words "Ten Dollars ($10,00)" and inserting in lieu thereof the words "Five Dollars ($5.00)," and by adding the following paragraph to Section 1:

"Provided that, pending the regular annual meeting of the Board of Examiners for trained nurses, the President of the Examining Board for Trained Nurses may, upon the written recommendations of two reputable physicians practicing in the district wherein such applicant for a graduate or registered nurse's certificate desires to practice his or her profession, grant a temporary certificate which shall be valid until the next meeting of the Examining Board for Trained Nurses," and with these amendments the Committee recommend that the Bill be concurred in.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We your Committee on Sanitary Affairs to whom was referred House Bill No. 292, introduced by Tolman, being a Bill for an Act entitled, "An Act regulating marriages and the issuance of Marriage Licenses, prohibiting marriages in certain cases, providing penalties

for the violation of the provisions of this Act and repealing all Acts and parts of Acts in conflict herewith," having had same under consideration recommend that it do pass.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 287, being a Bill for an Act entitled, "An Act to regulate the practice of law in all the Courts of the State of Montana, providing penalties for the violation thereof, and repealing Section 6388 of the Revised Codes of 1907," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 254 introduced by Bell, being a Bill for an Act entitled, "An Act to amend Sections 5762 and 5763 of the Revised Codes of Montana of 1907, relating to the filing and duration of the lien of Chattel Mortgages and to the renewal of Chattel Mortgages and the duration of the lien created thereby," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 285, being a Bill for an Act entitled, "An Act defining the condition under which the payment of taxes by a person other than the record owner may be considered as evidence of adverse ownership or possession of real estate," report the same back to the House and recommend that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 298, being a Bill for an Act entitled, "An Act to amend Section 6439 of the Revised Codes of 1907, relating to adverse possession of real estate," report the same back to the House and recommend that it do not pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 198 entitled, "An Act to regulate the practice of Veterinary Medicine and Surgery in the State of Montana

and to establish a Board of Examiners in Veterinary Medicine and Surgery, and to define offenses committed contrary to the provisions of this Act, and providing penalties for the violation thereof," beg leave to report the Bill back to the House with the following amendments:

Amend Section 4 by striking out in line 63, all of line 63, beginning with the words: "had three full courses," and striking out all of lines 64, 65, 66, 67 and 68 and inserting in lieu thereof the words "graduated in and received a degree from a legally authorized veterinary medical school recognized by the American Veterinary Medical Association; said school or college having a curriculum requiring a three year course or its equivalent for graduation. On application the diploma of said applicant shall be submitted to said Board for inspection and verification.

Amend Section 4 by striking out in line 85, the word "such" and inserting in lieu thereof the word "a".

Amend Section 4, by striking out in line 85, the words "have been," and inserting in lieu thereof the words "who are at the time of the passage and approval of this act."

Amend Section 4 by striking out in lines 86 and 87 the words "for at least one year immediately prior to the passage and approval of this act."

Amend Section 5 by inserting in line 98 between the words "examiners" and "for" the words "on or before July first, 1911."

Amend Section 5 by inserting in line 99 between the words "by" and "satisfactory" the words "the fee prescribed in Section four of this act and."

Amend Section 5 by striking out in line 100, the word "and," and inserting in lieu thereof the word "who."

Amend Section 5 by inserting in line 100 between the words "present" and "evidence" the word "satisfactory."

Amend Section 5 by inserting in line 101 between the words "months" and "previous" the word "immediately."

Amend Section 5 by inserting in line 102 between the words "and" and "having" the word "of."

Amend Section 5 by striking out in line 102 the word "their" and inserting in lieu thereof the words "his or her."

Amend Section 6 by inserting in line 109 after the word "surgery" the words "or farriery."

Amend Section 6 by inserting in line 115 between the words "surger" and "in" the words "or farriery."

Amend Section 6 by inserting in line 120 between the words "surgery" and "in" the words "or farriery."

Amend Section ten line 162 by inserting after the words "in other States" the words "or any foreign country."

And would respectfully recommend that the bill do pass as amended.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Committee on Highways, H. B. No. 328: A Bill for an Act to enact a General Highway Law, with an appropriation to carry its provisions out; providing for the classification and permanent improvement of the public highways and for the granting of County and State aid in certain cases, including the employment of prison labor thereon; creating a State Highway Board and the office of State Highway Commissioner and repealing Sections 1337, 1338, 1340, 1341, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1010, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454, and 1456 of the Revised Codes, and also repealing that certain act approved March 11th, 1909, entitled, "An Act to provide for the permanent improvement of main highways by extension of County aid for such purpose, to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefitted thereby for the payment of a part of the cost thereof."

By Vaughan, H. B. No. 329: A Bill for an Act entitled, "An Act to more clearly define the purposes for which corporations may be formed."

By Story, H. B. No. 330: A Bill for an Act entitled, "An Act authorizing the Tax Commission of the State of Montana to examine and secure the attendance of witnesses, and the production of books, papers and documents before it."

By Story, H. B. No. 331: A Bill for an Act entitled, "An Act to provide for the appointment of a Tax Commission, to prescribe the duties thereof and to appropriate money therefor."

By Law, H. B. No. 332: A Bill for an Act entitled, "An Act to legalize the incorporation of towns made previous to December 31st, 1910, and validating the official acts of Town Councils of such incorporated towns."

By Wheeler of Silver Bow, H. B. No. 333: A Bill for an Act entitled, "An Act to provide for the payment of wages for labor in lawful money of the United States and to punish violations of the same."

By Kirschwing, Brady and Story, (Special Committee), H. B. No. 334: A Bill for an Act entitled, "An Act to create a Commission to investigate and report to the Legislature of this State, on the first day of the Legislative Session of 1913, a Bill to fairly compensate employees for injuries received in the course of employment, and defining the duties of said Commission."

By Vaughan: H. J. Memorial No. 8, Memorial to Congress praying for the enactment of legislation that will relieve the settlers on the Public Domain, wherein their improvements were destroyed by forest fires."

READING OF BILLS.

The following Bills were taken from the file:

H. B. No. 328, read first and second times at length and referred to Committee on Highways.

H. B. No. 329, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 330, read first and second times by title only, and referred to Committee on Ways and Means.

H. B. No. 331, read first and second times at length and referred to Committee on Ways and Means.

H. B. No. 332, read first and second times by title only and referred to Committee on Townships and Counties.

H. B. No. 333, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 334, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

MOTIONS AND RESOLUTIONS.

On motion of Blackburn, H. B. No. 28 was made a Special Order of Business for 2:00 o'clock this afternoon.

READING OF HOUSE JOINT MEMORIALS.

H. J. M. No. 8, read first and second times by title only and referred to Committee on Federal Relations.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 7, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the following notices of the introduction of bills were this day given:

By Christopher: A Bill for an Act entitled, "An Act to amend Section 4242 of the Revised Codes of Montana of 1907, relating to the filling of vacancies in membership of Cemetery Associations and increasing the membership thereof."

By Christopher: A Bill for an Act entitled, "An Act to amend Section 4240 of the Revised Codes of Montana of 1907, relating to the powers of Cemetery Associations and extending thereto the Right of Eminent Domain."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 7, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the following bills were this day introduced, read first and second times and referred:

Substitute for Senate Bill No. 68, by Survant: A Bill for an Act entitled, "An Act providing for the creation of election precincts and for the registration of electors in county, cities, twons and

school districts, and providing penalties for the violation thereof." Referred to Committee on Privileges and Elections.

Senate Bill No. 138, by Whiteside: A Bill for an Act entitled, "An Act to provide for the establishment of districts in which the running of live stock at large shall be forbidden and fixing penalties for the violation of this Act." Referred to Committee on Stock Growing and Grazing.

Senate Bill No. 139, by Edwards: A Bill for an Act entitled, "An Act providing for the appointment of a Deputy State Treasurer, prescribing their duties and fixing their compensation." Referred to Committee on Finance and Claims.

Senate Bill No. 140, by Sykes: A Bill for an Act entitled, "An Act to amend Section 9006 of the Compiled Laws of the State of Montana." Referred to Committee on Judiciary.

Senate Bill No. 141, by Sykes: A Bill for an Act entitled, "An Act to amend Section 6364 of the Revised Codes of Montana," Referred to Committee on Judiciary.

Senate Bill No. 142, by Sykes: A Bill for an Act entitled, "An Act to provide penalties to be imposed for the neglect, failure or refusal of any Public Officer to perform the duties imposed upon him by law." Referred to Committee on Judiciary.

Sneate Bill No. 143, by Cockrell: A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 26 of Article V, of the Constitution, relating to prohibitions against the Legislative Assembly passing local or special laws in certain enumerated cases." Referred to Committee on Judiciary.

Senate Bill No. 144, by George: A Bill for an Act entitled, "An Act to define and regulate public utilities." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 145, by Donlan: A Bill for an Act entitled, "An Act providing for an Appraisal Commission to investigate and report with respect to the reasonable value of the property of the copartnership of Mitchell & Musigbrod, located at Deer Lodge County, the purchase of which has been recommended by Joint Committee; providing for the acceptance of the terms of this Act and for arbitration in order to reach agreement respecting the value of the property, and prescribing the duties of the State Board of Examiners in the premises." Referred to Committee on Finance and Claims.

Also Senate Bill No. 146, introduced by George: A Bill for an Act entitled, "An Act to amend subdivision Three of Section 7341 of the Revised Codes of Montana, relating to proceedings under the Right of Eminent Domain." Referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 7, 1911.

Mr. Speaker:

I am directed to inform your Honorable body that Substitute

House Bill No. 41, Substituting House Bill No. 41, introduced by Committee on Live Stock and Public Ranges, having been read and referred to Committee on Stock Growing and Grazing, report that Substitute for 41, be not concurred in, report adopted, and bill is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 7, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that House Bill No. 118, introduced by Berry, having been read three several times and concurred in is herewith returned.

Also House Bill No. 127, introduced by Macdonald, having been read three several times and concurred in as amended, is herewith returned for your concurrence in Senate Amendments.

Also House Bill 120, introduced by Wheeler of Silver Bow, and House Bill No. 132, introduced by Hayes, having been read and referred to Committee, Committee recommend that above bills be not concurred in, report adopted, and are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 7, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that Substitute for Senate Bill No. 35, introduced by Leighton; Senate Bill No. 113, introduced by Christler; Senate Bill No. 91, introduced by Dunnigan; Senate Bill No. 20, introduced by Whiteside; Senate Bill No. 118, introduced by Muffly; and Substitute for Senate Bill No. 59, by Committee on Public Lands; also Senate Bills, No. 112, introduced by Dearborn, and Senate Bill No. 111, introduced by Donlan, having been read three several times and passed are herewith transmitted to the House for your concurrence.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

Sub for S. B. No. 35, a Bill for an Act to provide for the formation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof, read first and second times by title only, and referred to Committee on New Counties and Divisions.

S. B. No. 113, a Bill for an Act entitled, "An Act to legalize all warrants of counties issued and all bonds of counties issued or sold for the purpose of paying for the construction of public highways and

public highway bridges," read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 91, a Bill for an Act entitled, "An Act to provide for procuring public records, the distribution of debts and assets, and pertaining to the collection of taxes on annexing territory to counties and municipalities, detached from other counties and municipalities," read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 20, a Bill for an Act entitled, "An Act to appropriate money for the measurement of streams and water-sheds and the compilation of data pertaining to the use and conservation of the waters of Montana," read first and second times at length and referred to Committee on Waterways and Navigation.

S. B. No. 118, a Bill for an Act entitled, "An Act prescribing the time within which every person, association, company, or corporation, engaged in purchasing, smelting, milling, or otherwise preparing ore, minerals or metals for market, for others shall settle with and pay to the consignors thereof the amounts due thereon, and prescribing penalties for the violation of this Act," read first and second times by title only, and referred to Committee on Corporations other than Municipal.

Sub. for S. B. No. 59, a Bill for an Act entitled, "An Act to amend Section LXXXV of Chapter 147 of the Session Laws of 1909 of the State of Montana, relating to the refunding of money paid by mistake to the State Board of Land Commissioners on account of sales and leases of State Lands and correcting contracts erroneously made or entered into by said Board," read first and second times by title only, and referred to Committee on State Lands.

S. B. No. 112, a Bill for an Act entitled an Act to amend Section 2654 of the Revised Codes of Montana of 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to Tax Deeds, and to fix the limit of time in which actions to set aside or annul Tax Deeds may be brought;" and approved March 3rd, 1909, relating to Tax Deeds, and to repeal the provisions of said Section 2654 as amended, in relation to the time within which suits may be brought to set aside or annul Tax Deeds, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

S. B. No. 111, an Act entitled, "An Act changing and defining the boundaries of Sanders County, and changing the boundaries of Missoula County to conform thereto," read first and second times by title only, and referred to Committee on New Counties and Divisions.

Mr. Speaker announced at this time that he had added Word of Lewis and Clark to the Committee on Education.

THIRD READING OF SENATE BILLS.

S. B. No. 25 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard,

Blackburn, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Grubb, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—60.

Noes—None.

Absent and not voting—Blake, Brady, Byrnes, Eliel, Hayes, Herbold, Lissner, Moore of Silver Bow, Swick, Whaley, Wheeler of Silver Bow and Woody—13.

Title agreed to.

On motion of Story, Senate Bill No. 64 which was ready for the Third Reading was re-referred to the Committee of the Whole.

S. B. No. 99, having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nolan, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams and Mr. Speaker—59.

Noes—None.

Absent and not voting: Baker, Brady, Eliel, Hayes, Lissner, Moore of Silver Bow, Nelson, O'Flynn, Owenhouse, Rodgers, Swick, Wheeler of Silver Bow, Woody and Word—14.

Title agreed to.

Berry offered the following motion:

I move at this time that Senate Bill No. 4, be considered read at length.

Bell moved as a substitute motion that Senate Bill No. 4 be re-referred to the Committee of the Whole.

Substitute motion lost.

The hour of 11:45 o'clock A. M., having arrived, the Chief Clerk called the roll and found all members present.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to

ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the folowing result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—13.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1.

For W. B. George—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Nolan, O'Hern, Whaley, Wheeler of Silver Bow, Woody and Word—17.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, Moore of Silver Bow, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick and Williams—27.

For W. R. Allen—Bell, Tolman and Vaughan—3.

For F. C. Webster—Higgins—1.

For R. Lee Word—Law and Owenhouse—2.

For C. N. Pray—Reser—1.

For C. B. Nolan—Tuttle—1.

Total—73.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	24
For T. H. Carter	40
For W. G. Conrad	24
For W. R. Allen	5
For C. N. Pray	2
For R. Lee Word	2
For T. M. Swindlehurst	1

For W. B. George 1
For F. C. Webster 1
For C. B. Nolan 1

Total 101

The President thereupon announced no election.

Senator Stout, seconded by Representative Donohue, moved that another Joint ballot be taken.

Motion lost.

On motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Kirschwing the House took a recess at 12:30 o'clock P. M. until 2:00 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

On motion of Binnard the House resolved itself into a Committee of the Whole for the consideration of H. B. No. 28, an Act entitled, "An Act appropriating money for the payment of the Conley & McTague Company of the amount due it for property belonging to it within the prison walls and adjacent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana," which was made a special order of business for 2:00 o'clock this afternoon.

Law in the chair.

House resumed.

Mr. Speaker in the chair.

Law from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 28, having had same under consideration beg leave to report same back to the House with the recommendation that it do pass as amended.

Report of the Committee of the Whole adopted.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your committee on Engrossment beg leave to report Substitute House Bill No. 263, Substitute for House Bills Nos. 70, 61, 35 and 154, introduced by Blackburn, Woody, Holter, and Blake, a Bill for an Act entitled, "An Act providing for a commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," as being correctly engrossed.

THIRD READING OF SENATE BILLS.

On motion of Law, Substitute for Senate Bill No. 4 was considered as read three several times and was concurred in, as amended, by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker —63.

Noes—None.

Absent and not voting—Alley, Eliel, Grubb, Hewett, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Tolman and Woody—10.

Title agreed to.

Upon request of Blackburn, the Sub-Committee of the Committee on Appropriations consisting of Blackburn, Eliel and Owenhouse, was excused from attendance in the House.

S. B. No. 79 having been read three several times was concurred in by the following vote:

Ayes—Asbridge, Baker, Bell, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite Ebert, English, Gillis, Gray, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, Martin, Moore of Valley, Murray Nelson, Nolan, O'Flynn, O'Hern, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Story, Swick Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams Word and Mr. Speaker—52.

Noes—None.

Absent and not voting—Alley, Bernard, Berry, Binnard, Blacburn, Duffy of Silver Bow, Eliel, Grubb, Hayes, Hewett, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Owenhouse, Paul, Rodgers, Slayton Stevens, Vaughan and Woody—21.

Title agreed to.

On motion of Law, the House dispensed with the third reading of Sub. for H. B. No. 263, except those Sections which were amended.

On motion of Blackburn and fifteen members seconding same, a call of the House was had and the following members were found absent:

Alley, Baker, Herbold, Hewett, Macdonald, McQuitty, Moore of Silver Bow, Vaughan and Woody.

On motion of Blackburn, further proceedings under the call of the House were dispensed with.

Sub. for H. B. No. 263 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan Kammerer, Law, Lissner, McNally, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams, Word and Mr. Speaker—61.

Noes—Johnson of Ravalli, Kirschwing, Whaley and Wheeler of Silver Bow—4.

Absent and not voting—Alley, Herbold, Macdonald, McMurry, McQuitty, Moore of Silver Bow, Vaughan and Woody—8.

Title agreed to.

Lissner moved to reconsider the vote by which an Evening Session was to be held this evening at 8:00 o'clock P. M.

Baker moved to lay this motion on the table.

Motion lost.

On motion of O'Flynn, previous question prevailed.

On motion of Baker, roll call was ordered with the following result:

Those in favor of previous questions—35.

Those opposed to previous question—28.

Those not voting—10.

Thereupon the original motion made Tuesday, February 7th, by Lissner, "that when we recess Wednesday afternoon that we recess to meet the same evning at 7:30 P. M." was bfore the House for consideration, whereupon Rodgers moved as a substitute motion that when the House adjourn today it adjourn at 6:00 o'clock P. M. to meet tomorrow at 10:00 o'clock A. M.

Substitute motion prevailed.

The following communication was received:

Helena, Montana, February 8, 1911.

Mr. Speaker:

Your special committee appointed to confer with the officers of the Helena Commercial Club beg leave to report that they have performed their duty, and find that Mr. Herbert Myrick, will arrive in Helena from Great Falls, on Thursday and will address the Commercitl Club on Thursday evening.

We recommend that the hour of 2:00 P. M. Friday, be designated as the time for hearing the address of Mr. Myrick, by this body.

(Signed:) BAKER,
BELL,
McQUITTY,

On motion of Baker, the report contained in this communication was adopted.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 253, 260 and 205, beg leave to report same back to the House as correctly printed.

Also Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 47 introduced by Nolan, a Bill for an Act entitled, "An Act to amend Section 6385 of the Revised Codes of Montana, relating to the practice of law in the Courts of this State;" and,

House Bill No. 117 introduced by Berry, a Bill for an Act entitled, "An Act to amend Section 3531 of the Revised Codes of Montana relating to Town Sites;" and

House Bill No. 170 introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 6658 of the Revised Codes of Montana, relating to Attachments;" and

House Joint Resolution No. 4, introduced by Duffy of Granite, in relation to the purchase of new type-writing machines for the Twelfth Legislative Assembly, and empowering the Secretary of State to dispose of any machines which in his judgment should be disposed of, beg leave to report that the same are returned herwith correctly enrolled.

Mr. Speaker at this time announced that he was about to sign H. B. No. 117, a Bill for an Act entitled, "An Act to amend Section 3531 of the Revised Codes of Montana, relating to Town Sites," and signed same in the presence of the House.

Also H. J. Resolution No. 4, in relation to the purchase of new type-writnig machines for the Twelfth Legislative Assembly and empowering the Secretary of State to dispose of any machines which in his judgment should be disposed of, and signed same in the presence of the House.

Also H. B. No. 47, a Bill for an Act entitled, "An Act to amend Section 6385 of the Revised Codes of Montana, relating to the practice of law in the Courts of this State," and signed same in the presence of the House.

Also House Bill No. 170, a Bill for an Act entitled "An Act to amend Section 6658 of the Revised Codes of Montana, relating to Attachments," and signed same in the presence of the House.

On motion of Story, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Law in the chair.

House resumed.

Mr. Speaker in the chair.

Law from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 95, a Bill for an Act entitled, "An Act for preventing the manufacture, sale or transportation of adulterated insecticides and fungi-

cides, and for regulating traffic therein and fixing penalties for the violation of this Act," having had same under consideration, report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration Senate Bill No. 5, a Bill for an Act entitled, "An Act to increase the membership of the Montana State Fish Commission, and to provide for the construction of a fish hatchery, for the propagation of food fish and other fish, in Flathead County, Montana, and to appropriate money therefor," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 61 a Bill for an Act entitled, "An Act appropriating money for the payment of the Anaconda Copper Mining Company for labor and material furnished in connection with the construction and maintenance of the State Fish Hatchery at Anaconda, Montana," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 100, a Bill for an Act to amend Section 1285 Revised Codes of the State of Montana, relating to the oath and bond of members of the Board of Managers of the Montana Soldiers' Home, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 14, an Act to amend Section 1147 of the Revised Codes of 1907, and to add an additional Section to be numbered 1147-A of the Revised Codes of 1907, relating to the examination and commitment of insane persons, and providing for their maintenance, report same back to the House with the recommendation that it be re-referred to the Committee on Ways and Means.

Also having had under consideration Senate Bill No. 92, a Bill for an Act entitled, "An Act defining the powers and duties of the State Board of Examiners with reference to the erection, completion, decorating and furnishing of the wings of the State Capitol Building," report same back to the House with the recommendaton that it be concurred in.

Also having had under consideration Senate Bill No. 45, a Bill for an Act entitled, "An Act to amend Section 899 of the Revised Codes of 1907 relating to the duties and compensation of the clerks of school districts and adding further duties to said school, district clerk," report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration House Bill No. 105, a Bill for an Act entitled, "An Act appropriating money for the erection of greenhouses and farm buildings at the Montana Agricultural Experiment Station at Bozeman," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 126, a Bill for an Act entitled, "An Act to amend Section 1029 of the Laws of Montana of 1909, relating to Pioneer Day," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 69, a Bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to Section 6, of Article 13, of the Constitution of the State of Montana, relating to the indebtedness of cities," report same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 22, a Bill for an Act to amend Section 3327 of the Revised Codes of the State of Montana relating to the establishment of fire departments, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 112, a Bill for an Act entitled, "An Act to amend Section 1500, Revised Codes of Montana 1907 defining the term "Communicable Disease," report same back to the House with the recommendation that it do pass.

Report of the Committee of the Whole adopted.

On motion of Story the House adjourned at 6:00 o'clock P. M. to meet tomorrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Thirty-Ninth Day.

Thursday, February 9, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Reel the Journal of the Thirty-eighth Day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following communications were received.

Helena, Montana, Feb. 8, 1911.

To the House of Representatives of the Twelfth Legislative Assembly; Gentlemen:

Herewith a communication of the State Treasurer asking a deficiency appropriation of $300.00, which we hereby refer to you without any recommendation, for such action as you may see fit.

Yours truly,

STATE BOARD OF EXAMINERS.

(Signed): EDWIN L. NORRIS, President.

ALBERT J. GALEN.

A. N. YODER, Secretary.

The State of Montana, Treasurer's Office;

State Board of Examiners, Helena Montana—

Helena, January 21, 1911.

Gentlemen:

I herewith submit an explanation of the deficiency claims of this office for the appropriation year about to close.

At the beginning of the year I made a trip to New York for the purpose of trying to get a reduction on the premium of the bond of the State Treasurer. The failure of the Banks at Billings made it necessary for me to make a trip to Spokane, and several to Billings for the purpose of obtaining the best possible price on the bonds held for the security of these deposits, amounting in all to perhaps $350.00.

Our deficiency is about $300.00, and is entirely due to the fact that this office heretofore has never figured on any traveling expense.

Yours truly,

(Signed): ELMER E. ESSELSTYN,
State Treasurer.

Helena, Montana, Feb. 8, 1911.

To the House of Representatives of the Twelfth Legislative Assembly, Gentlemen:

Herewith a claim of C. J. E. Ratzlaff amounting to $40.50 which was incurred by the State Board of Examiners for Coal Mine Inspector, which we have the honor to submit to you.

The claim was not allowed as no appropriation was made for the same.

Very respectfully,
STATE BOARD OF EXAMINERS.
(Signed): EDWIN L. NORRIS, President.
ALBERT J. GALEN.
A. N. YODER, Secretary

Helena, Montana, February 8, 1911.

To the House of Represntatives of the Twelfth Legislative Assembly:

Gentlemen: Herewith claims amounting to $595.55 which were incurred by members of the County Boards of Examiners for Coal Mine Foreman and Mine Boss, which we have the honor to submit to you.

These claims were not allowed as no appropriation was made for the same.

Very respectfully,
STATE BOARD OF EXAMINERS.
(Signed): EDWIN L. NORRIS, President.
ALBERT J. GALEN.
A. N. YODER, Secretary.

All these communications were referred to the Committee on Appropriations.

NOTICES OF BILLS.

By Murray: A Bill for an Act in relation to the taking of depositions, designating those whose depositions may be taken, and creatnig a Section to be known as Section 8001-A of the Revised Codes of Montana, 1907, in relation to same.

By Story: A Bill for an Act entitled, "An Act to appropriate

money to pay the expenses of the members of the Twelfth Legislative Assembly and Committee thereof in investigating the condition and value of the property of Mitchell and Musigbrod used in the care of insane of the State of Montana."

By Stevens: A Bill for an Act entitled, "An Act to provide for the preservation of information concerning members of the Montana Volunteers who served in the Spanish-American War of 1898."

By Alley: A Bill for an Act entitled, "An Act to amend Section 3128 of the Revised Codes of Montana, relating to the maximum number of deputy treasurers, auditors and county attorneys."

By Jacobson: A Bill for an Act entitled, "An Act regulating marriages and the issuance of marriage licenses in certain cases, and making an appropriation in connection therewith, providing penalties for the violation of this Act, and repealing all acts and parts of acts inconsistent herewith."

By Jacobson: A Bill for an Act entitled "An Act to amend Section 8689 of the Revised Codes of Montana, 1907."

By Higgins: A Bill for an Act entitled, "An Act to establish an Experimental Sub-Station in Horticulture and Agriculture in Missoula County, Montana, to authorize the Executive Board of the Montana Agricultural College to manage and control the same; and to appropriate funds with which to construct and maintain said Station."

By Higgins: A Bill for an Act entitled, "An Act to amend Section 3887 of the Revised Codes of Montana in relation to corporations making non-assessable stock assessable, and repealing Section 3888 of the Revised Codes of Montana."

By Dobell: A Bill for an Act to provide for the publication of the licenses collected by the County or City Treasurer.

By Dobell: A Bill for an Act requiring corporations to make publication of certain things appearing in their charter or articles of Incorporation at the time of filing the same with the Secretary of State.

By O'Hern: A Bill for an Act entitled, "An Act to prevent the desertion and abandonment of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and desertion a felony, and to prescribe the punishment thereof."

By Word: A Bill for an Act entitled, "An Act to amend Section 8797 of the Revised Codes of 1907 of the State of Montana, relating to the protection of fish and prohibiting the deposing of saw-dust in streams, lakes and ponds, and prescribing a penalty for the violation of this Act."

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 28, introduced by Gillis, an Act entitled, "An Act appropriating money for the payment to Conley and McTague Company of the amount due it for property belonging to it within the prison walls and adja-

cent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana," as being correctly engrossed.

Also O'Flynn from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 48 introduced by Byrnes, being a Bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of school physican," recommend that the same do pass with the following amendment:

Amend Section 5, line 4, by inserting after the word "disease" the words "or when a pupil is backward in his studies without apparent cause."

Report adopted.

Also Berry from the Committee on State Lands reported as follows:

Mr. Speaker:

Your Committee on State Lands having had under consideration Senate Substitute for Senate Bill No. 59, introduced by the Senate Committee on Public Lands, the same being a Bill for an Act entitled, "An Act to amend Section LXXXV of Chapter 147 of the Session Laws of 1909 of the State of Montana relative to the refunding of money paid by mistake to the State Board of Land Commissioners on account of sales and leases of State Lands and providing for the correction of contracts, erroneously made or entered into by said Board," beg leave to report to the House with the recommendation that the same be concurred in.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 273, introduced by Nolan, "A Bill for an Act providing for bonding fire districts in unincorporated cities and towns," having had said bill under consideration, beg leave to report same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 194, introduced by Gillis, "A Bill for an Act to amend Section 3397 of the Revised Codes of Montana relating to the creation of special improvement districts and the maintenance thereof," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that further consideration thereof be indefinitely postponed.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We your Committee on Affairs of Cities, to whom was referred House Bill No. 196, introduced by Gillis, "A Bill for Act to amend Section 3372 of the Revised Codes of Montana, relating to public sewers," having had said bill under consideration, beg leave to report same back to the House with the recommendation that further consideration thereof be indefinitely postponed.

Report adopted.

On motion of Alley, H. B. No. 194 was ordered printed.

Also on motion of Alley, H. B. No. 196 was ordered printed.

Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 302, introduced by Whaley, being a Bill for an Act entitled, "An Act to abolish the offices of State Game and Fish Warden and Deputy State Game and Fish Wardens and to impose the duties of such officers upon the sheriffs and their deputies in the several counties of the State," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 299, introduced by Vaughan, being a Bill for an Act authorizing and regulating the sale of game and game birds, and providing a penalty for the violation of this Act," beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 258, introduced by Rodgers, being a Bill for an Act entitled, "An Act to provide that all persons hunting any deer, elk, Rocky Mountain goat, mountain sheep or other large game, shall wear as an outer garment a scarlet red coat, waist or vest, and also a scarlet red hat or cap, and providing penalties for the violation of this Act," beg leave to report same back to the House with the recommendation that it do not pass.

Report adopted.

On motion of Bernard, H. B. No. 258 was ordered printed.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 275, introduced by Dobell, being a Bill for an Act entitled "An Act to establish the office of Clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery and providing for the appointment of Mrs. Charles B. Peyton as such clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, for the term of four years, and providing for the salary of such officer, and defining the duties of such officer and appropriating money out of the Fish and Game Fund for the payment of such salary," beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill, No. 320, introduced by McQuitty, being a Bill for an Act entitled, "An Act to amend Section 8782 of the Revised Codes of Montana of 1907, as amended by Chapter 81 of the Session Laws of 1909 relating to the killing of deer and the open season therefor, and providing penalties for violation thereof," beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 304, introduced by Story, being a Bill for an Act entitled, "An Act to prohibit the hunting of game animals and game birds within a certain district in the State of Montana, defining the boundaries of said district, and providing punishment for the violation thereof" beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred Senate Bill No. 28, introduced by Edwards, being a Bill for an Act entitled, "An Act to prohibit and regulate the issuance of reduced or free transportation by common carriers and providing penalties for violation thereof," beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor having had under consideration Senate Bill No. 16, being an Act entitled, "An Act to regulate the sale of

goods, wares and merchandise within the State of Montana, known as prison made goods," recommend that the title be amended by adding the following words, "and to provide penalties for the violation thereof," and recommend that the bill as amended be concurred in.

Report adopted.

Also Brady from the Committee on Highways reported as follows: Mr. Speaker:

We your Committee on Highways to whom was referred House Bill No. 328, introduced by the Committee on Highways, being a Bill for an Act entitled, "An Act to enact a general Highway Law, with an appropriation to carry out its provisions; providing for the classification and permanent improvement of the public highways and for the granting of county and State aid in certain cases, including the employment of prison labor thereon; creating a State Highway Board and the office of State Highway Commissioner, and repealing Sections 1337 1338, 1340, 1341, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and also repealing that certain Act approved March 11, 1909, entitled, "An Act to provide for the permanent improvement of main highways by extension of County aid for such purpose, to provide the manner of petitioning for such improvement for the levying assessments upon lands benefitted thereby for the payment of a part of the cost thereof," recommend that it do pass with the following amendments:

1. Amend the title thereto by striking out the words "including the employment of prison labor."

2. Amend Chapter II, Section 1, by striking out the words "and $2.50 per quarter or $10.00 per annum for each of such vehicles having four or more wheels," and inserting in lieu thereof the following: "and ten dollars ($10.00) per annum for all of such vehicles having four or more wheels and rated up to and including twenty horse power; fifteen dollars ($15.00) per annum for all such vehicles over twenty horse power and up to an including thirty horse power; and twenty dollars ($20.00) per annum for all such vehicles over thirty horse power."

3. Section 2, Chapter VI, line 4, in lieu of the word "to," substitute the word "of."

4. In lieu of the word "of" in the top line of the second page of Section 3 of Chapter VI, substitute the word "for."

5. Omit the two lines at the top of page 59-a.

6. Strike out all of Chapter VII and insert in lieu thereof the following:

"Section 1. A State Highway Commission is hereby established which shall consist of an engineer from the Montana Society of Engineers, to be selected by the Executive Board of said society, who shall be chairman of said Commission; a professor of civil engineering

in the Montana State Agricultural College to be selected by the Board of Directors of said college, the two said civil engineers to be so selected as soon after the passage and approval of this Act as may be practicable, and one civilian to be appointed by the Governor within sixty days after the passage of this Act, who shall hold office until removed for cause by the Governor. All vacancies in the membership of said commission shall be filled in the same manner as is prescribed for the original appointments.

Section 2. The members of said State Highway Commission shall serve without pay, but each member thereof shall be allowed his actual and necessary traveling and other expenses incurred under the provisions of this act.

Section 3. As soon as practicable after the taking effect of this act, the said State Highway Commission shall appoint a state highway engineer, who shall be a competent civil engineer, and experienced and skilled in highway construction and maintenance, and who shall receive a salary not to exceed $3000.00 per annum, in the discretion of the Commission, and shall be allowed his actual traveling and other expenses under the provisions of this act. He shall hold office until removed for cause by said State Highway Commission.

Section 4. Said State Highway Engineer, before entering upon the duties of his office, shall file with the said commission his oath of office with sufficient bond to the State of Montana in the sum of ten thousand dollars, conditioned upon the faithful performance of his duties, said bond to be approved by the said State Highway Commission, and then filed with the Secretary of State.

Section 5. The State Highway Engineer may appoint at his discretion such assistant engineers, clerks and other assistants as may be necessary to the proper conduct of the work of said commission, by and with the advice and consent of said commission.

Section 6. The said State Highway Commission and State Highway Engineer shall constitute the State Highway Department which shall be provided with suitable office rooms in the State buildings at the Capitol, which office shall be under the charge of the said State Highway Engineer and shall be kept open at such times as the business of said department and the convenience or interest of the public shall require. Such office shall be conveniently and properly furnished and shall be the repository for all the records of the said State Highway Department.

Section 7. It shall be the duty of the said State Highway Commission to hold meetings at such times and for such periods as they may deem essential to the proper carrying out of the provisions of this Act.

It shall be the duty of the said State Highway Commission to consider at their meetings all questions relating to the general policy of the said State Highway Department, and the conduct of the work in general; to receive and consider at such time as they may select the annual report of the State Highway Engineer and to act for the said State Highway Department in all matters relating to recommenda-

tions, estimates and appropriations which it may be found advisable to submit to the Governor or the State Legislature.

Section 8. The State Highway Engineer shall have charge of all the records of the State Highway Department, shall keep a record of all proceedings and orders pertaining to the business of his office and of the department; and shall keep on file copies of all plans, specifications and estimates prepared by his office. He shall cause to be made and kept by the State Highway Department a general highway plan of the State; shall collect information and compile statistics relative to the mileage, character and condition of the highways and bridges in the different counties of the State; and shall within one year from the passage and approval of this act prepare a map of such of the main highways in the State as in his judgment, are of sufficient importance to be designated as a system of trunk or state roads, by and with the concurrence of the Board of County Commissioners of the county in which such roads are situated, to be improved and maintained at the cost of the State and report same to the Highway Commission for submission to the Legislature for adoption as a proposed system of trunk or state roads, which, if adopted, or as adopted, by the legislature, shall be improved as soon thereafter as possible, under such provisions as the legislature may enact therefor. He shall investigate and determine the methods of road construction best adapted to the various sections of the State. and shall establish standards for the construction and maintenance of highways in the various counties, giving due regard to the topography, natural conditions, character and availability of road building material and the ability of the counties to meet their portion of the cost of building and maintaining roads under the provisions of this act. He may at all reasonable times be consulted by county or township officers having authority over highways and bridges, and he may in like manner call on such county or township officials for any information or assistance they may render in the performance of his duties with reference to the highways and bridges within their county or township, and it shall be the duty of said county or township officials to supply such information when called upon for same by the said State Highway Engineer. He shall determine the character and have the general supervision of the construction and repair of all roads and bridges improved under the provisions of this Act, and over all the work of the county surveyors of the various counties of the State, who shall perform all duties imposed upon them by this act under the direction and subject to his approval."

7. Strike out all of Chapter X.

Report adopted.

Also Grubb from the Committee on Libraries reported as follows:

Mr. Speaker:

Your Committee on Libraries, to whom was referred House Bill No. 225, introduced by Baker, being a Bill for an Act entitled, "An Act appropriating money for the purchase of the George C. Swallow Library, and authorizing and empowering the President of the Uni-

versity of Montana to purchase said library for said University," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also Grubb from the Committee on Libraries to whom was referred House Bill No. 269, introduced by Grubb, being a Bill for an Act entitled "An Act appropriating money for the payment of the claim of C. F. Leslie, for salary as Meat and Milk Inspector of Flathead County, between September 18, 1906, and April 20, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, and 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of Montana, 1907," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also Whaley from the Committee on Irrigation and Water Rights reported as follows:

Mr. Speaker:

We your Committee on Irrigation and Water Rights, to whom was referred House Bill No. 249, introduced by Whaley, entitled, "A Bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of Water Rights from the streams of this State," beg leave to report that after having had the same under consideration, recommend that it do pass, with the following amendments:

That between the words "power" and "purpose," wherever they may occur in Section 1, the words "or manufacturing" be inserted.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 265, being a Bill for an Act entitled, "An Act to authorize District Judges, Justices of the Peace and Police Magistrates to suspend sentences upon a conviction for first offense," report the same back to the House and recommend that it do pass.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Committee on Federal Relations having had under consideration Senate Joint Memorial No. 4, entitled, "A petition to Congress to enact such legislation as will be necessary for the establishment of pleasure grounds on the irrigation Districts now laid out, and also naming Fort Shaw Military Post as one of said Parks," recommend that the same be concurred in.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred Senate Bill No. 46, being a Bill for an Act entitled, "An Act to cede jurisdiction over the Glacier National Park to the United States, and for other purposes," respectfully recommend that the same be concurred in.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred Senate Joint Memorial No. 6, entitled, "A petition to Congress to enact such legislation as will relieve the settlers under irrigation projects in Montana, east of the main range of the Rocky Mountains," respectfully recommend that the same be concurred in.

Report adopted.

Also Quitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred Senate Joint Memorial No. 7, entitled, "A Joint Memorial asking for the construction of two steel bridges over the Kootenai River in the Kootenai National Forest Reserve, by the U. S. Government, acting in conjunction with the Civil Government of Lincoln County," after having had same under consideration respectfully recommend that it be concurred in.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Committee on Federal Relations, to whom was referred House Joint Memorial No. 3, entitled, "A Memorial to Congress asking that the Snowy Mountains National Forest may be made a Game Preserve," after having had same under consideration recommend that it be adopted.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred House Joint Memorial No. 7, entitled, "A Memorial to Congress relating to the practice of polygamy, and requesting a Constitutional Convention to amend the United States Constitution, as provided by Article Five thereof," having had the same under consideration respectfully recommend its adoption.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred House Joint Memorial No. 6, entitled, "A Memorial requesting the Congress of the United States to take steps to prohibit the changing of the old name of Montana's mountains and streams," having had same under consideration, respectfully recommend its adoption.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We your Committee on Corporations other than Municipal having had under consideration House Bill No. 93, introduced by Donohue, being a bill for an Act entitled, "An Act to prohibit discrimination between different sections, communities and localities, unfair competition and providing penalties for the violation thereof," hereby report the same back to the House that the same be indefinitely postponed.

Gillis moved the adoption of the report.

Herbold moved as a substitute motion that this Bill be printed and placed on General Orders.

Substitute motion prevailed.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We your Committee on Corporations other than Municipal, having had under consideration House Bill No. 15, introduced by Bell, "A Bill for an Act permitting and authorizing any corporation to file amended Articles of Incorporation and validating amended Articles of Incorporation heretofore filed," report the same back to the House with the following amendments:

That in line 20, Section One, we strike out the word and figures "Section 3894" and insert in lieu thereof the words and figures "Sections 3826, 3827 and 3828."

That in line 20, Section One, after the word "Montana" we insert the word and figures "of 1907," and recommend that said Bill do pass as amended.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We your Committee on Corporations other than Municipal, having had under consideration Senate Bill No. 122, introduced by Dearborn, being a Bill for an Act entitled, "An Act to amend Section 2654 of the Revised Codes of the State of Montana of 1907, as amended by an Act of the Eleventh Legislative Assembly entitled, "An Act to amend Section 2654 of the Revised Codes of the State of Montana of 1907, relating to Tax Deeds, and to fix the limit in which actions to set aside or annul Tax Deeds may be brought," and approved March 3rd, 1909, relating to Tax Deeds and to repeal the provisions of said Section 2654, as amended, in relation to the time within which suits

may be brought to set aside or annul Tax Deeds," report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We your Committee on Coroporations other than Municipal, having had under consideration House Bill No. 184, introduced by Tolman, being a Bill for an Act entitled, "An Act to regulate the sale of illuminating oil, coal oil and gasoline and providing a penalty for the violation of its provisions," hereby report the same back to the House with the following amendments:

That in Section One, lines 8 and 9 the word and figures "one-fourth (¼)" be stricken out and the word and figures "one-half (½)" be inserted in lieu thereof.

That Section 5 be amended so as to read as follows:

"Section 5. This Act shall be in full force and effect from and after October 1st, 1911," and recommend that the bill do pass as amended.

Report adopted.

Also Gillis from the Committee on Coroporations other than Municipal reported as follows:

Mr. Speaker:

We your Committee on Corporations other than Municipal, having had under consideration House Bill No. 23, introduced by Bell, being a "Bill for an Act to amend Section 3889 of the Revised Codes of Montana relating to the powers of corporations and authorizing the creation and issuance of preferred stock even though not provided for in the original or amended Articles of Incorporation of any company," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We your Committee on Corporations other than Municipal, having had under consideration House Bill No. 289, introduced by Bernard, being "A Bill for an Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bills No. 79 and 65, being bills for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana, relating to

Licenses," report the same back to the House with the recommendation that they do not pass, but that the substitute bill introduced by the Judiciary Committee do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Commitee on Judiciary to whom was referred House Bill No. 239 introduced by Binnard, being a Bill for an Act entitled, "An Act to amend Section 6741 of the Revised Codes of the State of Montana of 1907, relative to challenges for Cause," report the same back to the House and move that it be amended by striking out that part of subdivision 3 in Section 6741, as follows: "Standing in the relation of master and servant at any time subsequent to a period sixty (60) days prior to becoming a member of the jruy panel," and substituting in lieu thereof the following: "When the relation of master and servant has existed at any time within sixty (60) days prior to the time when the juror becomes a member of the jury panel," and as amended recommend that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 309, introduced by Dobeli, being a Bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to the Constitution of Montana, amending Sections 3 and 17 of Article XII, relating to revenue and taxation, and providing for the separate taxation of minerals," report the same back to the House and recommend that it do pass.

Report adopted.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 126, introduced by Grubb, a Bill to amend Section 1029 of the laws of Montana of 1909, relating to Pioneer Day; and

House Bill No. 112, introduced by Jordan, a Bill for an Act entitled, "An Act to amend Section 1500, Revised Codes of Montana, 1907, defining the term "Communicable Disease;"

House Bill No. 105, introduced by Law, a Bill for an Act entitled, "An Act appropriating money for the erection of Greenhouses and Farm Buildings at the Montana Agricultural Experiment Station at Bozeman;"

House Bill No. 69, introduced by Law, a Bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana, for their approval or rejection, an Amendment to Section 6, of Article 13, of the Constitution of the State of Montana, relating to the indebtedness of cities;"

Substitute for House Bill No. 22, introduced by Committee on Affairs of Cities, a Bill for an Act entitled, "An Act to amend Section 3327 of the Revised Codes of Montana of 1907, relating to the establishment of Fire Departments," as being correctly engrossed.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By unanimous consent, Jacobson was granted permission to introduce a Bill.

By Paul, H. B. No. 335: A Bill for an Act entitled, "An Act to amend Sections 8782 and 8784 of the Revised Codes of Montana of 1907, amended by Chapter 81, Session Laws of the Eleventh Legislative Assembly, relating to the open season for killing game."

By O'Flynn, H. B. No. 336: A Bill for an Act entitled, "An Act prohibiting peace officers and other persons from obtaining or seeking to obtain confessions from persons under arrest, or charged with the commission of a crime."

By Alley, H. B. No. 337: A Bill for an Act entitled, "An Act to amend Section 3131 of the Revised Codes of Montana, relating to assistant and deputy county attorneys in counties of the first and second class."

By Jacobson (By unanimous consent), H. B. No. 338: A Bill for an Act entitled, "An Act regulating marriages and the issuance of marriage licenses in certain cases, and making an appropriation in connection therewith; providing penalties for the violation of this Act, and repealing all Acts and parts of acts inconsistent herewith."

By Judiciary Committee, S. B. No. 339, (Substitute for House Bills Nos. 79 and 65): A Bill for an Act entitled, "An Act to amend Section 2772 of the Revised Codes of the State of Montana, relating to licenses."

READING OF BILLS.

The following Bills were taken from the file:

H. B. No. 335, read first and second times by title only, and referred to the Committee on Fish and Game.

H. B. No. 336, read first and second times by title only, and referred to the Committee on Judiciary.

H. B. No. 337, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 338, read first and second times at length and referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS.

Higgins moved as follows:

Mr. Speaker:

I move you that the Committee on Apportionment and Representation be ordered to retire from the Hall of the House immediately, for the consideration of Senate Bill No. 1, and to report on said Bill within half an hour.

Tolman offered the following Substitution Motion:

Mr. Speaker:

I move that the Committee on Apportionment and Representation be requested to report on Senate Bill No. 1, introduced by George, not later than tomorrow morning.

O'Hern moved the previous question. Motion prevailed.

Substitute motion of Tolman prevailed.

Donohue moved that H. B. No. 159 be reported by the Committee on Corporations other than Municipal, tomorrow morning.

Motion prevailed.

Story moved that the privilege of this floor and the lobbies be confined strictly to those persons entitled to the same, and that the Sergeant-at-Arms be instructed to procure and issue tickets to the proper persons, and that the Doorkeepers be instructed to admit no one who has not the proper credentials.

Bernard moved as a Substitute Motion that each Member of this House be provided with 25 complimentary passes, which will entitle persons to the freedom of the House.

Jacobson moved that the Substitute Motion and all other motions in this connection be laid on the table. Motion lost.

Bernard thereupon withdrew his Substitute Motion.

O'Flynn moved as a substitute motion that the original motion of Story be referred to the Committee on Rules, Joint Rules and Order of Business. Motion prevailed.

Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 118, a Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana, relating to townsites," beg leave to report that the same is returned herewith correctly enrolled.

Mr. Speaker at this time announced that he was about to sign H. B. No. 118, a Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana, relative to townsites," and signed the same in the presence of the House.

The hour of 11:45 o'clock having arrived, the Chief Clerk called the roll and found all members present.

Blackburn, Chairman, pro tem, of the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 212, 270, 271, 296, 284, 268, 17, 293, 252, 25, 204, 267, beg leave to report same back to the House as correctly printed.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred Substitutes for House Bills Nos. 146 and 13, beg leave to report same as correctly printed.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 9th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion duly seconded, the Secretary was instructed to ask for and recall Substitute for House Bill No. 41 for further consideration by the Senate.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—13.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1.

For R. L. Word—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Nolan, O'Hern, Whaley, Wheeler of Silver Bow, Woody and Word—17.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally,

Moore of Silver Bow, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—22.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick and Williams—26.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For R. L. Word—Owenhouse—1.

For C. N. Pray—Reser and Schwartz—2.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—73.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	24
For T. H. Carter	39
For W. G. Conrad	25
For W. R. Allen	4
For C. N. Pray	3
For R. L. Word	2
For T. M. Swindlehurst	1
For F. C. Webster	1
For W. F. Meyer	1
For C. B. Nolan	1
Total	101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the Chair.

Rodgers moved to recess until 2:00 o'clock P. M.

Hewett moved as a substitute motion to recess until 1:30 o'clock P. M. Substitute motion lost and original motion prevailed, and the House took a recess at 12:15 o'clock P. M. until 2:00 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 9, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of

State House Joint Resolution No. 4—In relation to the purchase of new type-writing machines for the Twelfth Legislative Assembly, and empowering the Secretary of State to dispose of any machines which in his judgment should be disposed of;

House Bill No. 47—An Act to amend Section 6385 of the Revised Codes of Montana, relating to the right to practice law in the courts of this State.

(Signed) EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 9th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 147, by Survant: A Bill for an Act entitled, "An Act providing for the creation of herding district for live stock, and prohibiting live stock from running at large therein, and prescribing penalties." Referred to Committee on Stock Growing and Grazing.

Senate Bill No. 148, by Christopher: A Bill for an Act entitled, "An Act to amend Section 4242 of the Revised Codes of Montana of 1907, relating to the filling of vacancies to membership of cemetery associations and increasing the membership thereof." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 149, by Sykes: A Bill for an Act entitled, "An Act to amend Section 6746 of the Revised Codes of the State of Montana, 1907, and repealing all laws in conflict herewith, in relation to the procedure in District Courts in the matter of instructing juries and making and preserving exceptions thereto." Referred to Committee on Judiciary.

Senate Bill No. 150, by Whiteside: A Bill for an Act entitled, "An Act to regulate the hours when saloons and retail liquor stores shall remain closed." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 151, by Committee on Stock Growing and Grazing: A Bill for an Act entitled, "An Act appropriating money to pay fees and expenses of a Special Prosecutor and a Special Accountant employed to investigate the affairs of the State Board of Stock Commissioners and to prosecute all actions arising out of such investigation." Referred to Committee on Finance and Claims.

Senate Bill No. 152, by Edwards: A Bill for an Act entitled, "An Act to amend Section 3257 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of county and city treasurers, and to provide for the payment of interest on deposits of public money by county treasurers and city treasurers of cities of the first and second class, and for the furnishing of official bonds by such officers." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 153, by Christopher: A Bill for an Act entitled,

"An Act to amend Sections 8871, 8872, 8873 and 8874 of the Revised Codes of Montana, 1907, to include the "Jim Hill" or "White Mustard" with the Canada thistle, the Scotch bull thistle and the Russian thistle as a common nuisance and to provide for the extermination of the same." Referred to Committee on Agriculture and Manufactures.

Senate Bill No. 154, by McDonnell: A Bill for an Act entitled, "An Act to prohibit the commencement or maintenance of any action or proceeding wherein the Attorney's fees of the party commencing or maintaining such action or proceeding are agreed to be paid only upon the contingency of the successful termination of such action in the favor of such party and to provide for the dismissal of such actions or proceedings." Referred to ommittee on Judiciary.

Senate Bill No. 155, by Christopher: A Bill for an Act entitled, "An Act to amend Section 4240 of the Revised Codes of Montana, of 1907, relating to the powers of cemetery associations and extending thereto the right of Eminent Domain." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 156, by Leighton: A Bill for an Act entitled, "An Act relating to the conduct and management of hotels; providing for the installation of fire escapes and fire apparatus and sanitary appliances and principles; providing for annual inspection; prescribing the duties of the sheriff and state board of health with respect thereto; prescribing penalties for the violation of this act and repealing Sections 5169, 5170 and 5171 of the Revised odes of 1907." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 157, by Leighton: A Bill for an Act entitled, "An Act to amend Section 5017 of the Revised Codes of 1907, specifying what contracts must be written." Referred to Committee on Judiciary.

Senate Bill No. 158, by Edwards: A Bill for an Act entitled, "An Act to require banks of discount and deposits and trust companies accepting savings deposits to treat them as such, according to laws of Montana governing the loans and investments, and reserve of savings banks." Referred to Committee on Corporations other than Municipal.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 9th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that, Senate Concurrent Resolution No. 3, relating to House Bill No. 1 and Senate Bill No. 2, having been read and adopted by the Senate is herewith transmitted to the House for concurrence, and I have been instructed to notify your Honorable Body that the President appointed as members of the Joint Conference Committee of the Senate,

Senator Everett, Burlingame and Muffly to act with the like committee of the House.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 9th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 137, introduced by Holter, House Bill No. 97, introduced by P. J. Duffy of Silver Bow, and House Bill No. 88, introduced by Binnard, having been read three several times and concurred in are herewith returned; also House Bill No. 68, introduced by Duffy of Granite, having been read three several times and concurred in as amended is herewith returned for concurrence in Senate amendments to above bill.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 9th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 66 and 39, having been read three several times and passed, are herewith transmitted for your concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

The following communication was received from the Roundup Commercial Club:

Roundup, Montana, Feb'y, 8, 1911.

Hon. W. W. McDowell, Capitol Building, Helena, Mont.

The Hon. Speaker and House of Representatives:

The Commercial Club of Roundup wishes to extend to the Honorable Members of the House of Representatives sincere thanks for the kind consideration and prompt action of the Musselshell County bill.

(Signed) ROUNDUP COMMERCIAL CLUB.

READING OF SENATE BILLS.

S. B. No. 66, a Bill for an Act entitled, "An Act to regulate the operation of all coal mines in the State of Montana, to provide for their inspection and the qualification of inspectors and certain other employees of coal mines and to codify all laws with reference to the operation of all coal mines in the State of Montana, repealing Sections 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709 and 1710, 2023 of the Revised Codes of the State of Montana and Capters 64 and 65 of the Laws

of 1909," read first and second times by title only, and referred to Committee on Mines and Mining.

S. B. No. 39, a Bill for an Act authorizing the division of School Districts having more than one school building, read first and second times by title only, and referred to Committee on Education.

Lissner from the Committee on Enrollment reported as follows: Mr. Speaker:

I beg leave to report that I have this day delivered to the Governor for his consideration, House Bills Nos. 47, 117 and 170 and House Joint Resolution No. 4.

On motion of Donohue the House resolved itself into a Committee of the Whole for the consideration of H. B. No. 220, which was made a special order for 2:00 o'clock this afternoon.

Slayton in the chair.

House resumed.

Mr. Speaker in the chair.

Slayton from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 220, a Bill for an Act entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain County and State Officers in connection therewith, prescribing penalties and repealing Sections 1045 and 1110, inclusive, of the Revised Codes of Montana of 1907," having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass as amended.

Report of the Committee of he Whole adopted.

THIRD READING OF BILLS.

H. B. No. 28 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gillis, Hayes, Hewett, Hickey, Higgins, Holt, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams, Word and Mr. Speaker—51.

Noes—Binnard, Gray, Grubb, McMurry and Wheeler of Silver Bow—5.

Absent and not voting—Berry, Donohue, Duffy of Silver Bow, Herbold, Holter, Johnson of Ravalli, Kirschwing, Law, Lissner, McQuitty, Murray, O'Hern, Rodgers, Stevens, Vaughan, Whaley and Woody—17.

Title agreed to.

H. B. No. 126 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn,

Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Mr. Speaker—60.

Noes—None.

Absent and not voting—Berry, Crouch, Duffy of Silver Bow, Eliel, Holter, Kirschwing, Lissner, Murray, Owenhouse, Rodgers, Stevens, Woody and Word—13.

Title agreed to.

H. B. No. 105 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Ralston, Reel, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Word and Mr. Speaker —56.

Noes—None.

Absent and not voting—Berry, Blackburn, Crouch, Duffy of Silver Bow, Eliel, Herbold, Holter, Kirschwing, Lissner, McQuitty, Murray, O'Hern, Owenhouse, Paul, Reser, Rodgers and Woody—17.

Title agreed to.

H. B. No. 69 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Law, McMurry, McQuitty, Martin, Moore of Valley, Murray, Nelson, Nolan, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—56.

Noes—O'Flynn and Schwartz—2.

Absent and not voting—Crouch, Dobell, Eliel, Herbold, Holter, Johnson of Ravalli, Kirschwing, Lissner, Macdonald, McNally, Moore of Silver Bow, O'Hern, Owenhouse, Vaughan and Woody—15.

Law moved to amend the title in line 2 of H. B. 69 by inserting the word "qualified" before the word "electors." Motion carried.

Title agreed to.

Substitute for H. B. No. 22 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bernard, Berry, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Hewett, Higgins, Holt, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Macdonald, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—56.

Noes—None.

Absent and not voting—Bell, Binnard, Byrnes, Duffy of Silver Bow, Eliel, Hayes, Herbold, Hickey, Holter, Johnson of Ravalli, Kirschwing, Lissner, McNally, Owenhouse, Stevens, Vaughan and Woody—17.

Title agreed to.

H. B. No. 112 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Hayes, Hewett, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Macdonald, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, Paul, Reser, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Mr. Speaker—48.

Noes—None.

Absent and not voting—Baker, Binnard, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Eliel, Herbold, Hickey, Holter, Kirschwing, Law, Lissner, McNally, Nelson, Nolan, O'Hern, Owenhouse, Ralston, Reel, Roberts, Story, Whaley, Woody and Word—25.

Title agreed to.

Mr. Speaker at this time appointed the following committee consisting of Byrnes, Hayes and Moore of Valley to act with a like committee of the Senate as a Joint Conference Committee for the consideration of Senate Concurrent Resolution No. 3, relating to Senate Bill No. 2 and House Bill No. 1, regarding Primary Elections.

On motion of Berry, S. B. No. 95 was returned to the Senate for correction.

S. B. No. 5 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blake, Brady, Byrnes, Crouch, Duffy of Granite, English, Gray, Grubb, Hickey, Higgins, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Macdonald, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Reser, Roberts, Rodgers, Story, Swick, Tolman, Tuttle, Vaughan, Whaley and Mr. Speaker—36.

Noes—Burt, Ebert, Hewett, Jacobson, Jordan, Nelson, Sarter, Schwartz, Slayton, Stevens and Wheeler of Cascade—11.

Absent and not voting—Baker, Binnard, Blackburn, Dobell, Donohue,

Duffy of Silver Bow, Eliel, Gillis, Hayes, Herbold, Holter, Kirschwing, Law, Lissner, McNally, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Wheeler of Silver Bow, Williams, Woody and Word—26.

Title agreed to.

S. B. No. 61 having been read three several times was concurred in by the following vote:

Ayes—Aley, Asbridge, Bell, Bernard, Berry, Blake, Brady, Burt, Byrnes, Crouch, Duffy of Granite, Ebert, English, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, Owenhouse, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Whaley, Wheeler of Cascade, Woody and Mr. Speaker—50.

Noes—None.

Absent and not voting—Baker, Binnard, Blackburn, Dobell, Donohue, Duffy of Silver Bow, Eliel, Gillis, Herbold, Holter, Jaocbson, Kirschwing, Law, Lissner, O'Flynn, O'Hern, Paul, Ralston, Reel, Tuttle, Wheeler of Silver Bow, Williams and Word—23.

Title agreed to.

S. B. No. 100 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Berry, Blake, Burt, Byrnes, Crouch, Duffy of Granite, Ebert, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Hern, Owenhouse, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Woody and Mr. Speaker—43.

Noes—None.

Absent and not voting—Asbridge, Baker, Bernard, Binnard, Blackburn, Brady, Dobell, Donohue, Duffy of Silver Bow, Eliel, English, Gillis, Herbold, Hewett, Holter, Jordan, Kammerer, Kirschwing, Law, Lissner, Nelson, O'Flynn, Paul, Ralston, Reel, Rodgers, Stevens, Wheeler of Silver Bow, Williams and Word—30.

Title agreed to.

On motion of Duffy of Granite and fifteen of the members seconding same, a call of the house was ordered.

On motion of Berry, further proceedings under the call of the House were suspended.

Senate Concurrent Resolution No. 3 was read at length and concurred in.

S. B. No. 92 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Jacobson, Kammerer, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore

of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—56.

Noes—Whaley—1.

Absent and not voting—Bernard, Blackburn, Duffy of Silver Bow, Eliel, English, Hewett, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Lissner, Nelson, Roberts, Stevens and Wheeler of Silver Bow—16.

Title agreed to.

S. B. No. 45 having been read three several times was concurred in by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Kammerer, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hernr, Paul, Ralston, Reel, Reser, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody and Mr. Speaker—57.

Noes—None.

Absent and not voting—Alley, Binnard, Blackburn, Duffy of Silver Bow, English, Hewett, Holter, Johnson of Lewis and Clark, Jordan, Kirschwing, Lissner, Nelson, Owenhouse, Roberts, Stevens and Wheeler of Silver Bow—16.

Story moved to amend title of Senate Bill No. 45 by adding "and providing penalties for the violation thereof."

Motion carried.

Title agreed to.

On motion of Nolan, House adjourned at 5:15 o'clock P. M. to meet tomorrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Atest:

FINLAY McRAE, Chief Clerk.

Fortieth Day.

Friday, February 10, 1911.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Reel the Journal of the Thirty-ninth Day as read was approved.

NOTICES OF BILLS.

By Johnson, Lewis and Clark: A Bill for an Act "To amend Section 269 of the Revised Codes of Montana of 1907, relating to the duties of the State Board of Examiners in the employment of laborers in and about the State Capitol Building."

By Alley: A Bill for an Act entitled, "An Act to amend Section 3206 of the Revised Codes of Montana, relating to the classification of cities and towns."

By Alley: A Bill for an Act entitled, "An Act requiring all retail liquor dealers or saloon keepers to take out licenses in all cities of the first, second and third classes, and repealing all laws in conflict therewith."

REPORTS OF STANDING COMMITTEES.

Dobell from the Committee on Apportionment and Representation reported as follows:

Mr. Speaker:

Your Committee on Apportionment and Representation having had under consideration House Bill No. 297, introduced by Blackburn, being entitled, "A Bill for an Act to repeal Section 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625 of the Revised Codes of Montana, 1907, relating to voting machines," recommend that the title of the bill be changed after the words "voting machines" to read.

"Relating to a State Board of Voting Machine Commissioners, defining their duties, powers and expenses thereof, and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana," and that Section 1 be changed to read, after the figures "625";

"Relating to a State Board of Voting Machine Commissioners, defining their duties, powers and expenses thereof, and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana," and that Section 1 be changed to read, after the figures "625";

"Relating to a State Board of Voting Commissioners, defining their duties, powers and expenses thereof, and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana, and the same are hereby repealed."

Refer the same back to the House with the recommendation that said bill do pass as amended.

Report adopted.

Also Dobell from the Committee on Apportionment and Representation reported as follows:

Mr. Speaker:

Your Committee on Apportionment and Representation, having had under consideration Senate Bill No. 1, introduced by George, being a Bill for an Act entitled:

"An Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number of members thereof," recommend that the bill be amended as follows:

Amend Section 2 by inserting between lines 23 and 24 the words "Musselshall County, 1 member."

Amend Section 2, line 14, by inserting "Fergus County, 3 members."

Amend Section 2, line 33, by substituting after the words "Yellowstone County," the figure "4" for the figure "5", so as to read "Yellowstone County, 4 members."

Amend Section 2, line 27, after the words "Rosebud County," by striking out the word "two" before the word "members" and inserting in lieu thereof "one member."

Amend Section 3, line 3, by adding thereto, after the word "apportioned," "and the representation in any county from which the greatest number of people are taken in creating any new county shall be decreased at least one representative," and we recommend that the bill be concurred in as amended.

Report adopted.

Also Asbridge from the Committee on Internal Improvements reported as follows:

Mr. Speaker:

We your Committee on Internal Improvements, to whom was referred House Bill No. 89, introduced by Sarter, being a Bill for an Act entitled, "A Bill for an Act regulating the sale of coal, charcoal, and coke within the State of Montana, and providing penalties for the violation thereof," having had same under consideration, respectfully recommend that the same be postponed for the reason that it is already covered by another bill before the House.

Report adopted.

Also Asbridge from the Committee on Internal Improvements reported as follows:

Mr. Speaker:

We your Committee on Internal Improvements, to whom was referred House Bill No. 290, introduced by Wheeler of Silver Bow, being a Bill for an Act entitled, "An Act to prohibit the possession, sale or other disposal of toy pistols and appliances for the use of blank cartridges or caps containing explosive substance, and of blank

cartridges, caps or other explosive substance intended for use in toy pistols or other such appliances," having had same under consideration respectfully recommend that same be indefinitely postponed.

Asbridge moved the adoption of the report.

Macdonald moved as a Substitute motion that the report be amended as follows:

That the words, "indefinitely postponed" be stricken out and the words "recommend that the same do pass" be inserted in lieu thereof.

Substitute motion prevailed.

Also Asbridge from the Committee on Internal Improvements reported as follows:

Mr. Speaker:

We your Committee on Internal Improvements, to whom was referred House Bill No. 177, introduced by B. K. Wheeler, being a Bill for an Act entitled, "An Act providing for the care and maintenance of such indigent orphan children, waifs or foundlings as to whom proper provision is not made at the State Orphans Home," having had same under consideration, respectfully recommend that the same be indefinitely postponed.

Asbridge moved the adoption of the report.

O'Hern moved as a Substitute Motion that the report be amended as follows:

That the words "indefinitely postponed" be stricken out and the words "recommend that the Bill do pass" be inserted in lieu thereof.

Substitute motion lost.

Original motion prevailed.

O'Hern moved that H. B. No. 177 be printed.

Motion prevailed.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 242, 307, 292, 152, 301 and 254 beg leave to report same as correctly printed.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Committee on Federal Relations to whom was referred House Joint Memorial No. 1, for the establishment of pleasure parks in irrigation districts, having had same under consideration, respectfully recommend that it be indefinitely postponed, as the purpose of this Memorial is accomplished in Senate Joint Memorial No. 4, previously adopted.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Committee on Federal Relations to whom was referred House Joint Memorial No. 5, entitled, "A Petition to Congress to restore to entry, Township Seven (7), South, Range Two (2) East

M. P. M., withdrawn under Act of June 17th, 1902, for the Shoshone Irrigation Project," having had same under consideration, recommend that it be adopted, with the following amendments: In line 2, of Title, the "R" be changed to "M", and in line 2 of the body of the Memorial that the figure "2" be inserted after the letter "E," and the letter "R" be changed to the letter "M".

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Committee on Federal Relations to whom was referred House Joint Memorial No. 8, entitled, "A Memorial to Congress praying for the enactment of legislation that will relieve the settlers on the public domain, wherein their improvements were destroyd by forest fires," having had the same under consideration, respectfully recommend its adoption.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 70, introduced by Cockrell, being a Bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Penitentiary," having had same under consideration, report the same back to the House with the recommendation that the same be indefinitely postponed, but recommend that the Substitute for Senate Bill No. 70, introduced by the Judiciary Committee of the House, entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Prison, and prescribing the method thereof, and to provide for the payment of the same by counties other than the county wherein the State Prison is located," do pass.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties, having had under consideration House Bill No. 232, introduced by Bell, being a Bill for an Act entitled, "An Act providing for the investment in bonds or warrants of any or all moneys in any sinking fund of any town, city or county within the State of Montana," report the same back to the House with the recommendation that it be referred to the Judiciary Committee.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties, having had under consideration House Bill No. 312, introduced by Binnard, being a

Bill for an Act entitled, "An Act to enable the Board of County Commissioners of counties of the first class to allow claims for services rendered at the special instance and request of county officers," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties, having had under consideration House Bill No. 223, introduced by Woody, being a Bill for an Act entitled, "An Act providing for the assessment of lands owned by counties and school districts, and situated within special improvement districts of cities or towns, and providing for the payment of such assessment," report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties, having had under consideration Senate Bill No. 83, introduced by McCarthy, being a Bill for an Act entitled, "An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana relative to the registration of births and deaths," report the same back to the House with the recommendation that same be concurred in.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred House Bill No. 124, introduced by Reser, being a Bill for an Act entitled, "An Act to create the county of Blaine, to designate and define its boundaries, to provide for its organization and government, and to alter the boundaries of Chouteau County to conform to the boundaries of Blaine County," after having had same under consideration beg leave to report back to the House with the recommendation that the bill do not pass.

Report adopted.

On motion of Hayes H. B. No. 124 was ordered printed.

Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred House Bil No. 125, introduced by Schwartz, being a Bill for an Act entitled, "An Act to create the County of Hill, to designate and define its boundaries, to provide for its organization and government and to alter the boundaries of Chouteau County to conform to the boundaries of Hill County," after giving same due consideration beg

leave to report back to the House with the recommendation that the bill do not pass.

Report adopted.

On motion of Hayes, H. B. No. 125 was ordered printed.

Mr. Speaker at this time announced that he was about to sign S. B. No. 79, a Bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes of 1907, relating to the election of School Trustees and Classification of School Districts," and signed same in the presence of the House.

Also S. B. No. 25, a Bill for an Act to amend Section 288 of the Revised Codes of 1907, concerning free public employment offices in cities, and signed same in the presence of the House.

Also S. B. No. 99, a Bill for an Act entitled, "An Act providing for the prosecution of actions arising out of the conduct of the affairs of the State Board of Stock Commissioners, to appoint officers to make investigation and to institute and prosecute all proper actions," and signed same in the presence of the House.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We your Committee on Corporations other than Municipal, having had under consideration Senate Bill No. 118, introduced by Muffly, being a Bill for an Act entitled, "An Act prescribing the time within which every person, association, company, or corporation engaged in purchasing, smelting, milling, or otherwise preparing ores, minerals, or metals for market, for others, shall settle with and pay to the consignors thereof the amounts due thereon, and prescribing penalties for the violation of this Act," hereby beg leave to report the same back to the House recommending that the same be concurred in.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows.

Mr. Speaker:

We your Committee on Corporations other than Municipal, having had under consideration House Bill No. 159, introduced by Donohue, being a Bill for an Act entitled, "An Act to prohibit persons or corporations engaged in the manufacture of malt beverages, and persons engaged in the sale of malt, spirituous or vinous liquors, from engaging in, or assisting others to engage in the business of selling malt, spirituous or vinous liquors at retail, and providing penalties therefor," beg leave to report the same back to the House recommending that the same be indefinitly postponed.

Gillis moved the adoption of the report.

Donohue moved as a Substitute Motion that the report be amended as follows: That the words "indefinitely postponed" be stricken out

and the words "recommend that the Bill do pass" be inserted in lieu thereof.

Substitute Motion adopted.

INTRODUCTION OF BILLS.

Rodgers was given unanimous consent to introduce a bill without previous notice having been given.

The following Bills were introduced and placed on file:

By Nolan, H. B. No. 340: A Bill for an Act entitled, "An Act to define and regulate public utilities, and provide means for its enforcement."

By Jacobson, H. B. No. 341: A Bill for an Act entitled, "An Act to amend Section 3689 of the Revised Codes of Montana of 1907 relating to the removal of mortgaged property."

By Murray, H. B. No. 342: A Bill for an Act entitled, "An Act in relation to the taking of depositions, designating those whose depositions may be taken, and creating a section to be known as Section 8001-a of the Revised Codes of Montana of 1907, in relation to same."

By Story, H. B. No. 343: A Bill for an Act entitled, "An Act to appropriate money to pay the expenses of the members of the Twelfth Legislative Assembly and Committees thereof, in investigating the condition and value of the property of Mitchell & Musigbrod, used in the care of the insane of the State of Montana."

By Alley, H. B. No. 344: A Bill for an Act entitled, "An Act to provide for the distribution of joint rates made over two or more connecting lines of railway."

By Alley, H. B. No. 345: A Bill for an Act entitled, "An Act granting to the City or Town Council of cities or towns of the State of Montana the power to cause the removal or destruction of any house, building or other structure within the city limits of such city or town, which is insecure or liable to cause injury to surrounding property by reason of fire, or which by reason of dilapidation or abandonment is not habitable or tenantable."

By Word, H. B. No. 346: A Bill for an Act entitled, "An Act to amend Section 8797 of the Revised Codes of 1907 of the State of Montana, relating to the protection of fish, and prohibiting the depositing of saw-dust in streams, lakes, and ponds, and prescribing a penalty for the violation of this Act."

By O'Hern, H. B. No. 347: A Bill for an Act entitled, "An Act to prevent the desertion and abandonment of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and desertion a felony, and to prescribe the punishment thereof."

By Dobell, H. B. No. 348: A Bill for an Act to provide for the publication of the licenses collected by the County or City Treasurer."

By Dobell, H. B. No. 349: A Bill for an Act entitled, "An Act requiring corporations to make publication of certain things appearing in their Charter or Articles of Incorporation, at the time of filing the same with the Secretary of State."

By Higgins, H. B. No. 350: A Bill for an Act entitled, "An Act to amend Section 3887 of the Revised Codes of Montana, in relation to corporations making non-assessable stock assessable, and repealing Section 3888 of the Revised Codes of Montana."

By Bernard, H. B. No. 351: A Bill for an Act entitled, "An Act for the establishment of a Sub-Station in Horticulture, and for the purpose of carrying on experimental work in same, in Lincoln County, Montana."

By Rodgers, H. B. No. 352: A Bill for an Act entitled, "An Act to provide that State Officials shall receive only their actual traveling expenses, and to provide for the paymnet of the expenses of District Judges, incurred on account of holding Court in Counties other than the Counties where they reside."

House Bill No. 353, Substitute for Senate Bill No. 70, introduced by Judiciary Committee of the House, a Bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Prison and prescribing the method thereof and to provide for the payment of the same by Counties other than the county wherein the State Prison is located.

READING OF BILLS.

H. B. No. 340, read first and second times by title only and referred to Committee on Affairs of Cities.

H. B. No. 341, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 342, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 343, read first and second times at length and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 344, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 345, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 346, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 347, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 348, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 349, read first and second times by title only, and referred to Committee on Printing.

H. B. No. 350, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 351, read first and second times by title only, and referred to Committee on Horticulture.

H. B. No. 352, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 353, read first and second times by title only, and referred to Committee on Printing.

Law offered the following motion:

Mr. Speaker:

I move you that on account of the large amount of business before the Assembly, demanding immediate attention, we recall invitation to Mr. Myrick to address the Assembly this afternoon.

Motion prevailed.

The hour of 11:45 o'clock having arrived, the Chief Clerk called the roll and all members were found present.

The following motion was made by Higgins:

I move that Senate Bill No. 1 be made a special order of business for this afternoon immediately after the address by Mr. Myrick, if such is given, and if not given then at two o'clock.

Motion seconded and discussion in progress when the Senate was announced at 12:00 o'clock Noon.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock, noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present, except Larson, and Stout who were paired.

All the members of the House were found present except Byrnes and Nelson who were paired.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—12.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, and McCarthy—6.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1.

For C. B. Nolan—Whiteside—1.

Total—26.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Nolan, O'Hern, Whaley, Wheeler of Silver Bow, Woody and Word—16.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Moore of Silver Bow, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—22.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick and Williams —23.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For J. M. Page—Jordan and Murray—2.

For R. Lee Word—Owenhouse—1.

For C. N. Pray—Reser and Schwartz—2.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	35
For W. G. Conrad	25
For W. R. Allen	4
For C. N. Pray	3
For J. M. Page	2
For C. B. Nolan	2
For T. M. Swindlehurst	1
For F. C. Webster	1
For R. Lee Word	1
For W. F. Meyer	1
Total	97
Senate paired: Larson-Stout	2
House paired: Byrnes-Nelson	2
Grand total	101

Representative Kirschwing moved to take another ballot for the United States Senator.

Motion lost.

The president thereupon announced no election, and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr Speaker in the chair.

Mr. Speaker at this time announced that he had named the following as a Steering Committee:

Byrnes, Chairman, Alley, Duffy of Granite, Roberts, Eliel.

On motion of Gillis the House took a recess at 12:20 o'clock P. M. to meet at 2:00 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Higgins moved that the House resolve itself into a Committee of the Whole for the consideration of Senate Bill No. 1.

Nolan moved as a substitute motion that the membership of the Steering Committee from this House be requested to try to place upon General Orders tomorrow, Senate Bill No. 1.

Berry moved the previous question. Motion prevailed.

Substitute motion of Nolan was carried by the following vote:

Ayes—Alley, Asbridge, Bell, Berry, Blake, Brady, Burt, Donohue, Duffy of Silver Bow, Ebert, Grubb, Herbold, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, McMurry, McNally, Moore of Silver Bow, Nolan, O'Hern, Paul, Reel, Sarter, Slayton, Tolman, Wheeler of Silver Bow, Wheeler of Cascade, Woody—32.

Noes—Baker, Crouch, Dobell, English, Gray, Hewett, Hickey, Holt, Law, Lissner, Martin, Moore of Valley, Murray, O'Flynn, Ralston, Reser, Roberts Rodgers, Schwartz, Stevens, Story, Vaughan, Williams, Word and Mr. Speaker—25.

Absent and not voting—Bernard, Binnard, Blackburn, Byrnes, Duffy of Granite, Eliel, Gillis, Hayes, Holter, Macdonald, McQuitty, Nelson, Owenhouse, Swick, Tuttle and Whaley—16.

Lissner from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment, to whom were referred House Bills Nos. 88, introduced by Binnard, a Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterments of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912,"—97, introduced by P. L. Duffy of Silver Bow, a Bill for an Act to amend Section 1736 of the Revised Codes of 1907 relating to hours of labor,—137, introduced by Holter, a Bill for an Act entitled, "An Act to require the instruction of pupils in public, private or parochial schools in fire dangers and means of prevention thereof," beg leave to report that the same have been properly enrolled.

Mr. Speaker at this time announced that he was about to sign H. B. No. 88, a Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterment of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912," and signed same in the presence of the House.

Also H. B. No. 97, a Bill for an Act to amend Section 1736 of the Revised Codes of 1907 relating to hours of labor, and signed same in the presence of the House.

Also H. B. No. 137, a Bill for an Act entitled, "An Act to require the instruction of pupils in public, private or parochial schools in

fire dangers and means of prevention thereof," and signed same in the presence of the House.

The following was received from the Steering Committee:

The Chief Clerk of the House of Representatives—

Place the following on General Orders:

Sen. Amend to H. B. 11, 127, 68 and H. B. 307, 229, H. B. Sub. 16, H. B. 213, 54, 209, 115, 166, 205.

(Signed): BYRNES, Chairman.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 9, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that Substitute House Bill No. 263, Substitute for House Bills Nos. 70, 61, 35, and 154, introduced by Blackburn, Woody, Holter and Blake, has this day been read first and second times and referred to Committee on Counties, Towns and Municipal Corporations; also House Bill No. 122, by Higgins, having been read first and second time and referred to Committee on Education.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

Wheeler of Cascade moved that Senate Bill No. 53, be recommitted to the Committee on Sanitary Affairs.

Motion prevailed.

On motion of Lissner, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Lissner in the chair.

House resumed.

Mr. Speaker in the chair.

Lissner from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Amendments to House Bill No. 11, having had same under consideration, beg leave to report same back to the House with the recommendation that the said amendments be concurred in.

Also having had under consideration, Senate Amendments to House Bill No. 127, beg leave to report same back to the House with the recommendation that said amendments be concurred in.

Also having had under consideration Senate Amendments to House Bill No. 68, beg leave to report same back to the House with the recommendation that said amendments be concurred in.

Also having had under consideration House Bill No. 307, a Bill for an Act entitled, "An Act to create the offices of official stenographer and the office of reading clerk in the House of Representatives of the State of Montana and fixing their compensation," report

same back to the House with the recommendation that same do pass.

Also having had under consideration House Bill No. 229, a Bill for an Act entitled, "An Act to cede certain State School Lands to the United States in lieu of other lands and providing for the selection of the lieu lands," report same back to the House with the recommendation that same be indefinitely postponed.

Also having had under consideration Sub. H. B. No. 16, a Bill for an Act to provide for the issue and sale by the State Board of Examiners of bonds for the purpose of acquiring additional lands for use as State Capitol Grounds in the City of Helena, Montana, report same back to the House with the recommendation that the Enacting Clause be stricken out.

Also having had under consideration Sub. H. B. No. 213, a Bill for an Act to amend Section 8582 of the Revised Codes of Montana of 1907, relating to carrying concealed weapons in cities or towns, report same back to the House with the recommendation that same do pass as amended.

Also having had under consideration House Bill No. 54, an Act to amend Section 6388 of the Revised Codes of Montana, 1907, relating to the practice of law and to prevent persons other than attorneys from representing themselves to be an attorney or from receiving any fee for services rendered as such, and providing the penalty therefor, report same back to the House with the recommendation that same do pass as amended.

Also having had under consideration House Bill No. 209, a Bill for an Act entitled, "An Act concerning tax sale certificates to real estate," report same back to the House with the recommendation that same do pass.

Also having had under consideration House Bill No. 115, a Bill for an Act entitled, "An Act to amend Section 1144, of the Revised Codes of 1907, and to provide for the payment of fees and mileage of physicians in insanity examinations," report same back to the House with the recommendation that same do pass as amended.

Also having had under consideration Sub. House Bill No. 166, a Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Livestock Sanitary Board during January and February 1911," report same back to the House with the recommendation that same do pass.

Also having had under consideration House Bill No. 205, a Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana of 1907, and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana may bear an engraved or lithographed fac simile signature of the Mayor and City or Town Clerk of such city or town," report same back to the House with the recommendation that same do pass.

Lissner moved that the report of the Committee of the Whole be adopted except as to the report on House Bill No. 16.

Story moved as a substitute that the report of the Committee of

the Whole be adopted.

The Substitute motion was adopted by the following vote:

Ayes—Bell, Binnard, Blake, Brady, Burt, Donohue, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt Jacobson, Johnson of Ravalli, Kirschwing, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody—45.

Noes—Alley, Baker, Berry, Blackburn, Byrnes, Dobell, Duffy of Granite, Lissner, Nolan, O'Flynn, Word and Mr. Speaker—12.

Absent and not voting—Asbridge, Bernard, Crouch, Eliel, Hewett, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Murray, Nelson, Reel, Rodgers, Slayton, Stevens, Wheeler of Silver Bow—13.

On motion of Blackburn, the House adjourned at 4:40 o'clock P. M., to meet tomorrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest: FINLAY McRAY, Chief Clerk.

Forty-First Day.

Saturday, February 11, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Berry, Hayes, Holt, Nelson and Reel.

On motion of Jordan the Journal of the Fortieth Day as read was approved.

Vaughan moved that when this House adjourn to-day, it adjourn immediately after the dissolution of the Joint Session to meet Monday morning at 11:00 o'clock. Motion prevailed.

NOTICES OF BILLS.

By Whaley: A Bill for an Act entitled, "An Act relating to associations, companies, and corporations transacting business similar to building and loan associations, and providing for the regulation and control of such corporations, companies or associations in the manner prescribed for the regulation and control of building and loan associations.

By Rodgers: A Bill for an Act entitled, "An Act to create a board of Fire Insurance Commissions for the State of Montana, and to provide for their appointment, and to fix the term of office of the members of such commission, and to define the duties of such board of Commissioners, and to provide for the regulation of the rates to be charged or established for fire insurance upon property, and

to provide for reasonable rates therefor, and to prevent unreasonable rates therefor, and to appopriate money for the compensation and maintenance of such commission, and to provide penalties for the violation of such Act."

By Grubb: A Bill for an Act entitled, "An Act defining the rights, duties and liabilities of Fire Insurance Companies doing business in the State of Montana."

By Vaughan: A Bill for an Act entitled, "An Act to prohibit the sale of intoxicating liquors in the State of Montana between certain hours on Sunday the first day of each week."

By Eliel: A Bill entitled, "A Bill for an Act for the submission to the qualified electors of the State of Montana of an amendment to Section 6, Article XIII of the Constitution, relating to the indebtedness of municipalities."

By Higgins: A Bill for an Act entitled, "An Act to amend Sections 3418 and 3419 of the Revised Codes of Montana of 1907, relating to the issuance of warrants and bonds for the payment of improvements in special improvement districts by extending the time for which such warrants and bonds may be issued."

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 125 and 239, beg leave to report same back to the House as correctly printed.

The following was received from the Steering Committee:

To the Chief Clerk of the House of Representatives—

Place the following on General Orders:

Sen. B. 112, House Joint Memorial Nos. 7 and 8, H. B. Nos. 203, 128, 129, 66, 211, 178, 190, 145, 144, 164, 64, 113, 221, 200, 214, 77, 167, 186, 130, 169, 235, 293, and 253.

(Signed): BYRNES, Chairman.
EDWARDS, Chairman.
Joint Steering Committee.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 220, introduced by Donohue, a Bill for an Act entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain county and state officers in connection therewith, prescribing penalties, and repealing Section 1045, to 1110, inclusive, of the Revised Codes of Montana of 1907," as being correctly engrossed.

Also O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance, having had under consideration House Bill No. 148, introduced by Donohue, the same being a Bill for an Act to repeal Section 4073 of the Revised Codes of 1907, relating to taxation of Insurance Companies on excess premiums over losses and ordinary expenses incurred within the State, report the same back to the House with the recommendation that it do pass.

Report adoptel.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 349, a Bill for an Act entitled, "An Act requiring corporations to make publication of certain things appearing in their charter or articles of incorporation at the time of filing the same with the Secretary of State," beg leave to report having had the same under consideration and recommend the same do pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions, to whom was referred Senate Bill No. 111, introduced by Donlan, being a Bill for an Act entitled, "An Act changing an defining the boundaries of Sanders County and changing and defining the boundaries of Missoula County to conform thereto," after due consideration beg leave to report same back to the House with the recommendation that the bill be concurred in.

Report adopted.

INTRODUCTION OF BILLS.

By unanimous consent, O'Hern was granted permission to introduce a Bill without previous notice having been given

On motion of Binnard, H. B. No. 124 and H. B. No. 125 having been printed, were placed on General Orders.

The following bills were introduced and placed on file:

By Higgins, H. B. No. 354: A Bill for an Act entitled, "An Act to establish an experimental sub-station in horticulture and agriculture in Missoula County, Montana, to authorize the executive Board of the Montana Agricultural College to manage and control the same; and to appropriate funds with which to construct and maintain said station.

By Crouch, H. B. No. 355: A Bill for an Act entitled, "An Act to divide the State of Montana into Congressional Districts."

By Stevens, H. B. No. 356: A Bill for an Act entitled, "An Act to provide for the preservation of information concerning members of the Montana Volunteers who served in the Spanish-American War of 1898, making appropriation therefor."

By Johnson of Lewis and Clark, H. B. No. 357: A Bill for an Act to amend Section 269 of the Revised Codes of 1907 of the State of Montana, relating to the duties of the State Board of Examiners

in the employment of laborers in and about the State Capitol Building."

By O'Hern, H. B. No. 358 (Without previous notice. By unanimous consent): A Bill for an Act entitled, "An Act providing for the establishment of a State Board of Poultry Husbandry, prescribing the duties of such Board, and appropriating money therefor."

Also

House Joint Memorial No. 9, by Story: Referring to Reciprocal Trade Agreement with Canada."

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office Helena, Montana, February 10, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have the honor to advise the House that, in compliance with the terms of Senate Joint Resolution No. 1, relating to the election of United States Senators by popular vote, I have transmitted certified copies of the said resolution to the Congress of the United States and to the Montana Senators and Representatives in Congress.

A certified copy of the Resolution has also been transmitted to each of the Governors of the States of the Union, accompanied by a letter signed by the members of the Senatorial Direct Election Commission of the State of Montana, in which communication the Governors are requested to bring the question to the attention of their respective Legislatures to the end that similar Resolutions may be passed in those bodies.

(Signed): EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 10, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the following notices of the introduction of bills were this day given.

By McDonnell: A Bill for an Act entitled, "An Act to prohibit the sale of intoxicating liquors in the State of Montana. between certain hours on Sunday the first day of each week."

By Burlingame: A Bill for an Act entitled, "An Act to amend Section 3387 of the Revised Codes of Montana, of 1907, relating to the cost of curbing, guttering and constructing side-walks and keeping the same in repair."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 10, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second

time and referred:

Senate Bill No. 159, by Meyer: A Bill for an Act entitled, "An Act regulating the sale of merchandise, prohibiting the false representation as to its manufacture, or source, and prescribing penalties for the violation of the Act." Referred to Committee on Agriculture and Manufactures.

Senate Bill No. 160, by Meyer: A Bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, as amended by Chapter 85 of the Session Laws of 1909, relating to the salary and compensation of deputies to County Officers and Assistants, and to amend Section 3134 of the Revised Codes of Montana of 1907, relating to the appointment of Assistant and Deputy County Attorneys, also to repeal Sections 3131, 3132 and 3135 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of Assistant and Deputy County Attorneys." Referred to Committee on Judiciary.

Senate Bill No. 161, by Gallwey: A Bill for an Act entitled, "An Act to prevent the employment of persons under eighteen years of age as messengers, at certain times and places, and to provide for the punishment of the violation of this Act." Referred to Committee on Public Morals.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 10, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day read first and second times and referred:

House Bill No. 69, by Law, having been read first and second times and referred to Committee on Counties, Towns and Municipal Corporations; House Bill No. 105, by Law, read first and second times and referred to Committee on Finance and Claims, Substitute for House Bill No. 22, by Committee on Affairs of Cities, read first and second time and referred to Committee on Counties, Towns and Municipal Corporations, also House Bill No. 112, by Jordan, read first and second time and referred to Committee on Education, and House Bill No. 126, by Grubb, read first and second times and referred to Committee on Education.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 10, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 7 introduced by Woody, being a Bill for an Act entitled, 'An Act to provide for the Taxation of Mortgages," having

been read, referred to Committee on Finance and Claims, Committee report same back with recommendation that same be not concurred in, report adopted.

House Bill No. 50, introduced by Vaughan, a Bill for an Act entitled, "An Act to forbid fishing at or within certain distances of dams, fish ladders, or State Spawning Stations, and fixing the punishment for so doing," having been read, and referred to Committee on Fish and Game, Committee report same back, with recommendation that same be not concurred in, report adopted.

House Bill No. 175, introduced by O'Hern, a Bill for an Act entitled, "An Act to amend Chapter 70 of the Laws of Montana, of 1909, relating to the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry, by adding thereto a Section to be numbered Section 12, relating to the collection and exhibition of agricultural, mineral and other exhibits," having been read and referred to Committee on Agriculture and Manufactures, Committee report same back with the recommendation that same be not concurred in, report adopted; and the above bills are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 10, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Select Committee of the Senate, for the appointment of Standing Committees, respectfully recommend the following names to act as a Steering Committee for the Twelfth Session: Edwards, Burlingame, Tooley, McCarthy and Muffly. Report adopted.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 10, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 120 introduced by McCone, Senate Bill No. 108, introduced by Tooley, Senate Bill No. 125, introduced by Groff, and Senate Bill No. 128, introduced by Donlan, and Substitute for Substitute for Senate Bill No. 33, introduced by Edwards, having been read three several times and passed, are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 11, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 95, which was returned to the Senate for the purpose

of having bill engrossed, house objecting to attached amendments, whereby the Senate had considered the same engrossed, is herewith returned to the House in conformity with the request of your Body.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 354, read first and second times at length and referred to Committee on Horticulture.

H. B. No. 355, read first and second times by title only, and referred to Committee on Apportionment and Representation.

H. B. No. 356, read first and second times at length and referred to Committee on Military Affairs.

H. B. No. 357, read first and second times at length and referred to Committee on State Boards and Officers.

H. B. No. 358, by unanimous consent and without previous notice having been given, was read first and second times at length and referred to Committee on Agriculture.

H. J. M. No. 9, read first and second times by title only and refered to Committee on Federal Relations.

No objection being offered, the Committee on Sanitary Affairs was excused from attendance in the House.

READING OF SENATE BILLS.

S. B. No. 120, a Bill for an Act entitled, "An Act to require bonds from abstractors and to provide security to the public against errors, omissions and defects in abstracts of title of real estate, and for the use of abstractors in evidence, and to provide a penalty for the violation thereof," read first and second times by title only and referred to Committee on Judiciary.

S. B. No. 108, a Bill for an Act entitled, "An Act to amend Section 1092 of the Revised Codes of 1907, relating to the duties, powers, and compensation of the Adjutant General of the State of Montana," read first and second times by title only and referred to Committee on Military Affairs.

S. B. No. 125, a Bill for an Act entitled, "An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of Rocky Mountain Spotted Fever and appropriating money therefor," read first and second times at length and referred to Committee on Sanitary Affairs.

S. B. No. 128, a Bill for an Act entitled, "An Act fixing the time for the opening and closing of saloons in unincorporated cities, towns and villages and providing penalties," read first and second times by title only and referred to Committee on Townships and Counties.

Sub. for Sub. for S. B. No. 35, a Bill for an Act entitled, "An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors, and regulating the issuance of such licenses, and

providing for a revocation of license upon conviction of penal offense," read first and second times by title only and referred to Committee on Affairs of Cities.

At this time Mr. Speaker announced that he had added Dobell of Silver Bow to the Committee on Banks and Banking.

No objection being offered Mr. Speaker reverted to the Second Order of Business.

NOTICES OF BILLS.

By Gray: A Bill for an Act entitled, "An Act defining the term "Itinerant Vendor," to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes."

By Nolan: A Bill for an Act to amend Section 8336 of the Revised Codes of Montana of 1907."

By Jordan: A Bill for an Act entitled, "An Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the lighting, heating, ventilating and sanitary inspection of Public Buildings."

By Binnard: A Bill for an Act entitled, "An Act defining the liability of persons or corporations operating mines, mills and smelters in this State, for injuries received by employes thereof, or in consequence of the death of such employe, by reason of negligence."

By Binnard: A Bill for an Act entitled, "An Act to amend Section 7174 of the Revised Codes of Montana, 1907, relating to the furnishing of cost bonds by non-residents and foreign corporations."

By Blackburn: A Bill for an Act entitled, "An Act prescribing the salaries of certain deputy state officers, clerks, stenographers and employees at the State Capitol."

Mr. Speaker at this time announced that he was about to sign Substitute for Senate Bill No. 4, a Bill for an Act entitled, "An Act to create the County of Musselshell, designate its boundaries and provide for its organization and government, and to change the boundaries of Fergus, Meagher and Yellowstone Counties to conform thereto," and signed same in the presence of the House.

Also Senate Bill No. 92, a Bill for an Act entitled, "An Act defining the powers and duties of the State Board of Examiners with reference to the erection, completion, decorating and furnishing of the wings to the State Capitol Building," and signed same in the presence of the House.

Also Senate Bill No. 100, a Bill for an Act to amend Section 1285 Revised Codes of the State of Montana, relating to the oath and bond of members of the Board of Managers of the Montana Soldiers' Home, and signed same in the presence of the House.

Also Senate Bill No. 61, a Bill for an Act entitled, "An Act appropriating money for the payment of the Anaconda Copper Company for labor and material furnished in connection with the construction and maintenance of the State Fish Hatchery at Anaconda, Montana," and signed same in the presence of the House.

Also Senate Bill No. 5, a Bill for an Act entitled, "An Act to increase the membership of Montana State Fish Commission, and to provide for the construction of a fish hatchery, for the propogation of food fish and other fish, in Flathead County, Montana, and to appropriate money therefor," and signed same in the presence of the House.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 273, 196, 309 and House Joint Memorial No. 6, beg leave to report same as correctly printed.

Also Herbold from the Committee on Livestock and Public Ranges reported as follows:

Mr. Speaker:

We your committee on Livestock and Public Ranges to whom was referred House Bill No. 288 entitled, "An Act appropriating money for the payment of lost Bounty Claims," beg leave to refer the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Herbold from the Committee on Livestock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Livestock and Public Ranges to whom was referred House Bill No. 238, entitled, "An Act to provide for the establishment of districts in which the running of livestock at large shall be forbidden and fixing penalties for the violation of this Act," having received an opinion from the Attorney General that the bill is unconstitutional, beg leave to refer the same back to the House with the recommendation that the same do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 348, introduced by Dobell, being a Bill for an Act entitled, "An Act to provide for the publication of the licenses collected by the County or City Treasurer," report the same back to the House with the recommendation that it do not pass.

Report adopted.

On motion of Dobell, H. B. No. 348 was ordered printed.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 91 introduced by Duncan, being a Bill for an Act entitled, "An Act

to provide for procuring public records, the distribution of debts and assets, and pertaining to the collection of taxes on annexing territory to counties and municipalities detached from other counties and municipalities,' report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 338 as introduced by Jacobson, being a Bill for an Act entitled, "An Act regulating marriages and the issuance of marriage licenses in certain cases, and making an appropriation in connection therewith; providing penalties for the violation of this Act, and repealing all Acts and parts of Acts inconsistent herewith," report the same back to the House and recommend that it be indefinitely postponed.

Report adopted.

On motion of Rodgers, H. B. No. 338 was ordered printed.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 272, introduced by Donohue, being a Bill for an Act entitled, "An Act to amend Section 6506 of the Revised Codes of 1907, relating to change of place of trial of causes of actions," report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 63 introduced by Binnard, being a Bill for an Act entitled, "An Act to protect liens against or upon property of dissolved corporations," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Moore of Silver Bow from the Committee on Improvements and Manufacturing reported as follows:

Mr. Speaker:

We your Committee on Improvements and Manufacturing having had under consideration House Bill No. 140, being a Bill for an Act entitled, "An Act appropriating money for the erection of farm buildings and providing improvements and equipment at the Horticultural Experiment Sub-station in Ravalli County," recommend that the same do pass.

Report adopted.

Also Macdonald, Acting Chairman from the Committee on Rules, Joint Rules and Order of Business reported as follows:

Mr. Speaker:

Your Committee on Rules to whom was referred the matter of tickets for admission to the Hall of the House, beg leave to report as follows:

We recommend that the Seargeant at Arms have printed a number of tickets of a design to be submitted by Mr. Speaker, said tickets to be furnished to members on their request, and by them to be issued to such guests as they may desire.

Dobell moved the adoption of the report.

Nolan moved that the report of the Committee on Rules, Joint Rules and Order of Business be laid on the table. Motion lost.

Original motion of Dobell adopted.

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 269 by Grubb, a Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie, for salary as meat and milk inspector for Flathead County, between September 18, 1906 and April 20, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of Montana, 1907," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 241, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 306 by Reser, a Bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort Benton," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

On motion of Reser, H. B. No. 306 was ordered printed.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House

Bill No. 234 by Paul, "An Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and forty cents, turned into the Treasury of the State of Montana through error by the Board of Commissioners for the insane," having had same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 240, by Committee on Appropriations, a Bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 106 by Selway, a Bill for an Act entitled, "An Act to pay the increase of salary of the Second Assistant State Examiner as provided for by appropriation," having had said bill under consideration beg leave to report same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 275 by Dobell, a Bill for an Act entitled, "An Act to establish the office of clerk of the Montana State Fish Commission and clerk to the Director of the State Fish Hatchery, and providing for the appointment of Mrs. Charles B. Peyton as such clerk of the Montana State Fish Commission and clerk to the Director of the State Fish Hatchery for the term of four years, and providing for the salary of such officer, and defining the duties of such officer and appropriating money out of the Fish and Game Fund for the payment of such salary," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 121 by Donohue, "A Bill for an Act to regulate the manufacture and sale of dairy products and imitation dairy products in the

State of Montana. Defining dairy products and imitation dairy products. Providing for a dairy specialist in the Montana State Agricultural College, appropriating monies therefor and defining his duties, and providing penalties for the violation of the provisions of this Act," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 289, by Bernard, "A Bill for an Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 138 introduced by Gray, being a Bill for an Act entitled, "An Act to amend Section 5773 of the Revised Codes of Montana of 1907, in relation to mortgages on growing crops, prescribing the duties, rights and liabilities of the Mortgagers and Mortagees, and purchasers of mortgaged personal property, and providing a penalty for the violation thereof," report the same back to the House with the recommendation that it be indefinitely postponed, and that a substitute bill be introduced and that the substitute bill do pass.

Report adopted.

Mr. Speaker at this time announced that he was about to sign Senate Bill No. 45, a Bill for an Act entitled, "An Act to amend Section 899 of the Revised Codes of 1907, relating to the duties and compensation of the clerks of school districts and adding further duties to said school district clerk," and signed same in the presence of the House.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

We your Committee on Judiciary having had under consideration House Bill No. 111 introduced by Duffy of Granite, the same being a Bill for an Act entitled, 'An Act providing for the submission to the qualified electors of the State of Montana an amendment to Article IX of the Constitution of the State of Montana by adding a new clause to be numbered Section 14 of said Article, providing for the recall of public officers," recommend that the same be amended as follows:

Strike out the word "Electoral" in line 3, Section 14.

In line 13, Section 14, strike out the word "twenty" and substi-

tute in lieu thereof the word "thirty," and in said line strike out the word "electoral."

In line 27, Section 14, after the word "and" insert the word "thereupon;" and after the word "the" insert the word "proper", and strike out the word "same," and after the word "officer" insert the words "or officers," so as to make the same read "and thereupon the proper officer or officers."

Strike out Section 2 as the same appears in the bill and insert in lieu thereof:

Section 2. The votes upon this amendment shall be counted and canvassed by such persons and in such manner as provided by law, and if the majority of the votes cast at said election for and against the amendment, shall be in favor of the amendment, the Governor of the State shall immediately so declare, by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Strike out Section 3, and in lieu thereof insert the following:

Section 3. A separate official ballot shall be prepared by the County Clerk of each county to furnish to the Judges of election in each precinct in the county, to be used in voting upon said Constitutional amendment at the general election to be held in November, 1912, and shall have printed thereon the following words: "In such manner as to allow every elector the opportunity to indicate thereon by proper marks, his preference, to-wit: "For the Amendment of the Constitution relating to the recall of Public Officers." "Against the amendment to the Constitution relating to the recall of Public Officers."

Strike out Section 4 and in lieu thereof substitute the following:

"All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed."

Add a Section to be known as "Section 5" as follows:

Section 5. This Act shall take effect and be in full force from and after its passage.

And further recommend that as amended it do pass.

Report adopted.

Also Lissner from the Committee on Enrollment reported as follows: Mr. Speaker:

We your Committee on Enrollment desire to report that we transmitted to the Governor at 11:15 A. M. House Bill No. 88, being a Bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterments of the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912."

Also House Bill No. 137, being a Bill for an Act entitled, "An Act to require the instruction of pupils in public, private or parochial schools in fire dangers and means of prevention thereof."

Also House Bill No. 97, being a Bill for an Act entitled, "An Act to amend Section 1736 of the Revised Codes of 1907 relating to hours of labor."

Also Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment desires to report that we have transmitted to the Governor, House Bill No. 118, at 11:15 A. M., this being a Bill for an Act entitled, "An Act to amend Section 3537 of the Revised Codes of Montana, relating to Townsites."

READING OF SENATE BILLS.

S. B. No. 95 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hewett, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McNally McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—57.

Noes—None.

Absent and not voting—Berry, Blake, Duffy of Silver Bow, English, Hayes, Hickey, Higgins, Holt, Macdonald, Nelson, Nolan, Reel, Sarter, Stevens, Story and Vaughan—16.

Titlte agreed to.

On motion of Byrnes H. B. No. 220 was considered as read at length.

H. B. No. 220 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hewett, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Lissner, McMurry, McQuitty, Martin, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Woody, Word and Mr. Speaker—50.

Noes—Baker, Duffy of Silver Bow, Kirschwing, McNally, Moore of Silver Bow, Paul, Vaughan, Whaley, Wheeler of Cascade and Williams—10.

Absent and not voting—Berry, English, Hayes, Hickey, Higgins, Holt, Macdonald, Nelson, Nolan, Reel, Sarter, Stevens, Story—13.

Title agreed to.

The hour of 11:45 o'clock having arrived, the Chief Clerk called the roll and found all members present except Sarter and Story and those paired.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 11th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 36, introduced by Duncan, having been read three several times and passed is herewith transmitted for your concurrence.

Also, House Bill No. 95, introduced by Hayes, House Bill No. 99, introduced by Grubb, and House Bill No. 181, introduced by McNally, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

READING OF SENATE BILLS.

S. B. No. 36, a Bill for an Act amending Sections 4871 and 4872 of the Revised Codes of Montana, 1907, relating to the appropriation of water, and providing the manner in which water may be appropriated and a right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines, read first and second times by title only, and referred to Committee on Irrigation and Water Rights.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except those paired.

All the members of the House were found present except Sarter and Story and those paired.

The Pesident finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Everett, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, George, Groff, Leary and McCarthy—5.

For W. G. Conrad—Cockrell, Gallwey and Muffley—3.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1 .

For R. Lee Word—Whiteside—1.

Total—24.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Wheeler of Cascade and Mr. Speaker—19.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holter, Jacobson, Moore of Valley, Murray, Ralston, Roberts, Rodgers, Slayton, Stevens, Swick and Williams—20.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For R. L. Word—Owenhouse—1.

For C. N. Pray—Reser and Schwartz—2.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

For E. J. Owenhouse—Word—1.

Total—63.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	31
For W. G. Conrad	22
For W. R. Allen	4
For C. N. Pray	3
For R. L. Word	2
For T. M. Swindlehurst	1
For F. C. Webster	1
For W. F. Meyer	1
For C. B. Nolan	1
For E. J. Owenhouse	1
Total	87
Absent:	
Sarter and Story	2
Senate paired:	
Duncan-Edwards,	
Larson-Stout	4
House paired:	
Byrnes-Nelson,	
Berry-Paul,	
Hayes-Holt,	

Reel-Jordan 8

Grand total.....101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Kirschwing the House adjourned at 12:15 o'clock P. M. to meet Monday morning at 11:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Forty-Third Day.

Monday, February, 13, 1911.

House met pursuant to adjournment, at 11 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Reel, Sarter and Wheeler of Silver Bow.

On motion of Jordan the Journal of the Forty-first Day as read was approved.

NOTICES OF BILLS.

By Bell: A Bill for an Act entitled, "An Act authorizing the City Council of any City of the first or second class to purchase an Exposition Hall and Auditorium, or to purchase site therefor, and to erect thereon such Exposition Hall and Auditorium; to contract indebtedness therefor on behalf of any such city, and to issue bonds for such purpose."

By Bell: A Bill for an Act entitled, "An Act to provide for the establishment of a Board of Architectural Examiners, and providing certain requiremnts and qualifications for the practice of Architecture in the State of Montana."

By Vaughan: A Bill for an Act entitled, "An Act to forbid fishing for Grayling and certain varieties of Trout at or within certain distances of dams, fish ladders, or State Spawning Stations, and fixing the punishment for so doing."

By Wheeler of Cascade: A Bill for an Act entitled, "An Act to repeal Chapter 67 of the Eleventh Session Laws of Montana entitled, "An Act to create a State Accident Insurance and Total Permanent Disability Fund, for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and manage-

ment of the same; extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provision of this Act."

By Rodgers: A Bill entitled, "An Act to amend Section 6, of Article XVI of the Constitution of the State of Montana, and providing for the submission of such amendments to the qualified electors of the State of Montana at the next general election."

By Holter: An Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices.

By Blackburn: A Bill for an Act entitled, "An Act to create and establish the office of Legislative Draftsman, and prescribing his duties."

By Nolan: A Bill for an Act entitled, "An Act relating to Banks and Banking, and Trust Deposits, and Security Companies, and Creating a Depositor's Guaranty Fund."

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 48, 194, 23, 304, 265, 299, 320, 93, 249 and 258 and House Joint Memorials Nos. 3 and 7, beg leave to report same back to the House as correctly printed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 54, introduced by Blackburn, a Bill for an Act entitled, "An Act to amend Section 6388 of the Revised Codes of Montana, 1907, relating to the practice of law and to prevent persons other than attorneys from representing themselves to be an attorney or from receiving any fee for services rendered as such and providing the penalty therefor;" and

House Bill No. 307, introduced by Binnard: A Bill for an Act entitled, "An Act to create the offices of Official Stenographer and Reading Clerk in the House of Representatives of the State of Montana and fixing their compensation;" and

House Bill No. 209, introduced by Byrnes: A Bill for an Act entitled, "An Act concerning Tax Sale Certificates to Real Estate;" and

House Bill No. 11, substituting House Bill No. 11, introduced by Committee on Live Stock and Public Ranges: "An Act providing for the re-recording of every brand or mark upon Horses, Cattle or other live stock, and regulating the making of such record and fixing the fees therefor, and repealing all Acts and parts of Acts inconsistent with the provisions of this Act; and,

House Bill No. 127, introduced by Macdonald: A Bill for an Act entitled, "An Act to amend Section 2055 of the Revised Codes of Mon-

tana, relating to the care and maintenance of the indigent, poor, sick and infirm;" and,

House Bill No. 115, introduced by Jordan: A Bill for an Act entitled, "An Act to amend Section 1144 of the Revised Codes of 1907, and to provide for the payment of fees and mileage of physicians in insanity examinations;" and,

Substitute for House Bill No. 166, introduced by Nolan, A Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Live Stock Sanitary Board during January and February, 1911;" and

House Bill No. 205, introduced by Bell: A Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of 1907, and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana may bear an engraved or lithographed fac simile signature of the Mayor or City or Town Clerk of such city or Town;" and,

House Bill No. 68, introduced by Duffy of Granite: A Bill for an Act entitled, "An Act authorizing the State Fish and Game Warden to appoint a Chief Deputy, defining his powers and duties, and amending Section 1968 Revised Codes of 1907, relating to the compensation of Deputy State Fish and Game Wardens;" and

Substitute for House Bill No. 213, introduced by Alley: A Bill for an Act entitled, "An Act to amend Section 8582 of the Revised Codes of 1907, relating to carrying concealed weapons in cities or towns," as being correctly engrossed.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred Senate Bill No. 39, a Bill for an Act entitled, "An Act authorizing the divisions of school districts having more than one school building," having had said Bill under consideration, recommend that Section 1 thereof be amended by striking out all of the following: "Upon receipt of such petition the County Superintendent of Schools shall give notice thereof to the Clerk of said school district, who shall present the matter to the Board of Trustees of said district. If the Board of Trustees of said school district, at any regular meeting, or at any special meeting called for that purpose, shall approve of such divisions of said school district as prayed for, they shall enter their approval upon the minutes of said meeting and transmit a certified copy thereof to the County Superintendent of Schools. The"—and inserting in lieu thereof the following:

"If the County Superintendent of Schools is of the opinion that such peition should be granted, such," and that as amended said Bill be concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred House Bill

No. 83, a Bill for an Act entitled, "An Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana of 1907, relative to the issuance of State and Life Certificates," having had said Bill under consideration, report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 78, a Bill for an Act entitled, "An Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana of 1907, relating to the examination and qualification of teachers, and to the grades of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College, and to repeal Section 964 of the Revised Codes of 1907," having had said Bill under consideration, report the same back to the House with the following recommendation:

That Section 1 of said Bill be amended by striking out in lines 89 and 90, the words "provided that this Act shall not affect any certificates now in force," and inserting in lieu thereof the following:

"Providing that any person now holding a professional grade certificate, a first grade certificate, a second grade certificate or a third grade certificate shall be permitted to teach thereunder during the life of such certificate; and any person now holding a professional or first grade certificate may have the same renewed by the County Superintendent upon the proper fee being paid to the institute fund as provided for in the case of examination, and provided that no such certificate shall be renewed unless the applicant has taught at least ten months during the life of such certificate; provided further that whenever application is made by any person now holding an unexpired first grade, second grade, or third grade Montana certificate for examination for any higher grade certificate provided for in this Act, and it shall be made to appear to the County Superintendent that such applicant has been engaged in teaching in any of the public schools of the State for a period of one year or more said applicant shall be entitled to be credited with the percentage of his or her last examination for said first, second or third grade certificate, as the case may be, and shall not be required to be examined in any studies except the additional ones prescribed for such certificate, and such other studies as the applicant may not have secured the required percentage on previous examination, provided that to excuse any person now holding a certificate from taking the examination upon any branch of any grade; he or she must have secured upon such branch at his or her last previous examination at least 80 per cent.

Provided further that no certificate shall be granted to any person who is not a citizen of the United States, or who has not declared his intention to become a citizen.

And that as amended said bill do pass.

And your Committee further ask that said bill be ordered reprinted.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Rrailroads and Transportation to whom was referred House Bill No. 162, introduced by Jordan, being a Bill for an Act entitled, "An Act requiring any person, railway corporation or company operating a line of railway in the State of Montana, to equip its locomotive engines with some device or contrivance to effectiually guard against the emission of fire and sparks; and providing a penalty for the violation of this Act," having had the same under consideration beg leave to report the same back to the House with the recommendation that the following amendment be made:

Amend Section 1 by inserting after the word "sparks" in line 7 the following: "Such device to be of such nature as will most effectually arrest sparks without destroying the working efficiency of the locomotive by interfering with draft," making the sentence read as follows: "Some device or contrivance that will most effectually guard against the emission of fire and sparks, such device to be of such nature as will most effectually arrest sparks without destroying the working efficiency of the locomotives by interefering with draft," and with the above amendment your Committee recommends that the bill do pass.

Report adopted.

Also Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election to whom was referred House Bill No. 327, introduced by Martin, being a Bill for an Act to provide for the removal from office of any sheriff or county attorney who has refused or neglected to perform the duties pertaining to his office, defining the duties of the Governor with respect thereto, and prescribing the procedure therefor", beg leave to recommend the same be indefinitely postponed.

Report adopted.

Also Crouch from the Committee on Privileges and Election reported as follows:

Mr. Speaker:

We your Committee on Privileges and Election to whom was referred House Bill No. 282, introduced by Hickey, being a Bill for an Act entitled, "An Act providing for the payment of the expenses of contests of seats of Members of the Twelfth Legislative Assembly of the State of Montana, and making an appropriation for such purpose," beg leave to recommend that the same be indefinitely postponed.

Report adopted.

INTRODUCTION OF BILLS.

Tolman and Vaughan were each granted unanimous consent to introduce a Bill without previous notice having been given:

The following bills were introduced and placed on file:

By Woody, H. B. No. 359: A Bill for an Act entitled, "An Act relating to the payment of interest of special improvement district warrants issued in Special Improvement Districts of cities and towns."

By Whaley, H. B. No. 360: An Act entitled, "An Act relating to associations, companies and corporations transacting business similar to building and loan associations, and providing for the regulation and control of such corporations, companies or associations in the manner prescribed for the regulation and control of building and loan associations."

By Whaley, H. B. No. 361: A Bill for an Act entitled, "An Act authorizing the appropriators of water to use the waters of streams already appropriated upon substituting an equal quantity from another source."

By Vaughan, H. B. No. 362: A Bill for an Act entitled, "An Act to prohibit the sale of intoxicating liquors in the State of Montana between certain hours on Sunday the first day of each week."

By Vaughan (By unanimous consent without previous notice), H. B. No. 363: A Bill for an Act entitled: "An Act to forbid fishing for grayling and certain varieties of trout at or within certain distances of dams, fish ladders, or State Spawning Stations, and fixing the punishment for so doing."

By Jordan, H. B. No. 364: A Bill for an Act entitled, "An Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the lighting, heating, ventilating, and sanitary inspection of public buildings."

By Tolman (By unanimous consent without previous notice), H. B. No. 365: A Bill for an Act entitled, "An Act defining the term "itinerant vendors," to regulate the licensing of same, to fix the amount of such license, to provide penalties for the violation of such regulation and for other purposes."

By Binnard, H. B. No. 366: A Bill for an Act entitled, "An Act defining the liability of persons or corporations operating mines, mills, and smelters, and coal mines in this State, for injuries received by employees thereof, or in consequence of the death of any such employee, by reason of negligence."

By Binnard, H. B. No. 367: A Bill for an Act entitled, "An Act to amend Section 7174 of the Revised Codes of Montana, 1907, relating to the furnishing of cost bonds by non-residents and foreign corporations."

By Gray, H. B. No. 368: A Bill for an Act entitled, "An Act defining the term "Itinterant vendors," to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes."

By Nolan, H. B. No. 369: A Bill for an Act to amend Section

8336 of the Revised Codes of Montana of 1907, defining the crime of rape."

By Tolman, H. J. Memorial No. 10: Memorial to Congress praying for the enactment of Legislation providing for the fencing of the Crow Indian Reservation within the State of Montana.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 359, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 360, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 361, read first and second times by title only, and referred to Committee on Irrigation and Water Rights.

H. B. No. 362, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 363, read first and second times by title only, and referred to Committee on Fish and Game.

H. B. No. 364, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 365, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 366, read first and second times by title only, and refered to Committee on Corporations other than Municipal.

H. B. No. 367, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 368, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 369, read first and second times by title only, and referred to Committee on Judiciary.

READING OF HOUSE JOINT MEMORIALS.

H. J. M. No. 10, read first and second times by title only, and referred to Committee on Federal relations.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communications were received from the Governor:

Executive Office, Helena, Montana, February 11, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have approved and deposited with the Secretary of State the following House Bills:

House Bill No. 117: An Act to amend Section 3531 of the Revised Codes of Montana, relating to townsites.

House Bill No. 170: An Act to amend Section 6658 of the Revised Codes of Montana, relating to attachments.

House Bill No. 88: An Act to appropriate money out of the Fish and Game Fund for the maintenance, operation and betterments of

the State Fish Hatchery at Anaconda, Montana, for the years 1911 and 1912.

House Bill No. 97: An Act to amend Section 1736 of the Revised Codes of 1907, relating to the hours of labor.

House Bill No. 118: An Act to amend Section 3537 of the Revised Codes of Montana, relating to townsites.

House Bill No. 137: An Act to require the instruction of pupils in public, private or parochial schools in fire dangers and means of prevention thereof.

(Signed) EDWIN L. NORRIS, Governor.

Executive Office, Helena, Montana, February 11, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

For the information of the House I transmit herewith a copy of a telegram this day received from Mr. W. T. Hornaday, Director of the New York Zoological Park and President of the American Bison Society.

(Signed) EDWIN L. NORRIS, Governor.

Attached copy of telegram referred to Committee on Fish and Game.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 11th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 162, introduced by Burlingame: A Bill for an Act entitled, "An Act to amend Section 3387 of the Revised Codes of Montana, 1907, relating to the cost of curbing, guttering and constructing sidewalks and keeping the same in repair." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 163, introduced by Gallwey: A Bill for an Act entitled, "An Act to amend Section 1712, Revised Codes of the State of Montana, 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, "An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salaries of the inspector and deputy inspector of mines, and to provide for the salary of such deputy inspector of mines." Referred to Committee on Mines and Mining.

Senate Bill No. 164, introduced by Gallwey: A Bill for an Act entitled, 'An Act to amend Section 4401, of the Revised Codes of the State of Montana, relating to telephone and telegraph companies." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 165, introduced by McDonnell: A Bill for an Act entitled, 'An Act to prohibit the sale of intoxicating liquors in the State of Montana between certain hours on Sunday the first day of

each week." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 166, introduced by Meyer: A Bill for an Act entitled, "An Act to prohibit the selling, giving away or drinking upon any public school house premises, any intoxicating beverages, and prohibiting their being bought upon said premises." Referred to Committee on Education.

Senate Bill No. 166, introduced by Selway (By request): A Bill for an Act entitled, "An Act relating to Banks and Banking, providing for the organization, management, conduct, regulation and supervision of same; providing penalties for violation of the provisions of this Act; and repealing Sections 3909 to 3958 inclusive, and Sections 3876 to 4015 inclusive of the Revised Codes of 1907." Referred to Committee on Corporations other than Municipal.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 11th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced without having given previous notice:

By Burlingame: A Bill for an Act entitled, "An Act to amend Section 3387 of the Revised Codes of Montana, 1907, relating to the cost of curbing, guttering and constructing sidewalks and keeping the same in repair."

By Gallwey: A Bill for an Act entitled, "An Act to amend Section 1712 Revised Codes of the State of Montana, 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, "An Act to amend Section 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salaries of the inspector and deputy inspector of mines, and to provide for the salary of such deputy inspector of mines."

By Gallwey: A Bill for an Act entitled, "An Act to amend Section 4401, of the Revised Codes of the State of Montana, relating to telephone and telegraph companies."

By McDonnell: A Bill for an Act entitled, "An Act to prohibit the sale of intoxicating liquors in the State of Montana, between certain hours on Sunday, the first day of each week."

By Meyer: A Bill for an Act entitled, "An Act to prohibit the selling, giving away or drinking, upon any public school house premises, any intoxicating beverages, and prohibiting their being brought upon said premises."

By Selway (By request): A Bill for an Act entitled, "An Act relating to Banks and Banking; providing for the organization, management, conduct, regulation and supervision of same; providing penalties for violation of the provisions of this Act; and repealing

Sections 3909 to 3958 inclusive and Sections 3876 to 4015 inclusive, of the Revised Codes of 1907."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 13th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that through an omission to notify the House of the signing of Bills by the President in open Session, are herewith corrected by supplying list of omissions, giving date of signature of President, viz:

Senate Bills—

January 17th, 1911, Senate Joint Memorial No. 3.

January 20th, 1911, Senate Bill No. 15.

January 23rd, 1911, Senate Joint Memorial No. 1, and Senate Joint Memorial No. 2.

Jauuary 26th, 1911, Senate Bill No. 21.

January 27th, 1911, Senate Bill No. 52.

February 1st, 1911, Senate Bill No. 44, Senate Joint Resolution No. 1, and Senate Joint Resolution No. 4.

February 2nd, 1911, Senate Bill No. 71.

February 4th, 1911, Senate Bill No. 101.

February 6th, 1911, Senate Bills 75 and 69.

February 10th, 1911, Senate Bills Nos. 25, 79 and 99.

February 11th, 1911, Senate Bills Nos. 5, 61, 92 and 100, and Substitute for Senate Bill No. 4, Senate Bill No. 45.

House Bills—

January 6th, 1911, House Bills Nos. 2, 3 and 4.

January 20th, 1911, House Joint Resolution No. 3.

January 31st, 1911, House Bills Nos. 32, 8, 24, 44, 51 and House Joint Resolution No. 2.

February 4th, 1911, House Bills Nos. 71 and 40.

February 7th, 1911, House Bill 27.

February 8th, 1911, House Joint Resolution No. 4 and House Bills Nos. 47, 117 and 170.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

The hour of 11:45 o'clock A. M. having arrived, the Chief Clerk called the roll and found all members present except Reel, Sarter and Wheeler of Silver Bow.

Hayes moved that the report of the Committee on Rules, Joint Rules and Order of Business be adopted.

Motion seconded, but on account of the hour for Joint Session having arrived, discussion was laid over until the afternoon session.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All members of the Senate were found present except those paired.

All members of the House were found persent except Sarter and those paired.

The President finding a quorum of both bodies present, announced that pursuant to Section XV Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Everett, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, George, Groff, Leary and McCarthy—5.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—Burlingame and Sykes—2.

For C. N. Pray—McCone—1.

For C. B. Nolan—Whiteside—1.

Total—24.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley and Woody—16.

For W. G. Conrad—Alley, Baker, Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Wheeler of Cascade and Mr. Speaker—20.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Moore of Valley, Murray, Nelson, Paul, Ralston, Roberts, Rodgers, Slayton, Story, Swick and Williams—23.

For W. R. Allen—Bell and Vaughan—2.

For F. C. Webster—Higgins—1.

For R. Lee Word—Owenhouse—1.

For C. N. Pray—Reser and Schwartz—2.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

For E. J. Owenhouse—Word—1.

Total—68.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	21
For T. H. Carter	34
For W. G. Conrad	23
For C. N. Pray	3
For C. B. Nolan	2
For W. R. Allen	4
For T. M. Swindlehurst	1
For F. C. Webster	1
For R. Lee Word	1
For W. F. Meyer	1
For E. J. Owenhouse	1
Total	92
Absent—Sarter	1
Senate paired:	
Duncan-Edwards,	
Larson-Stout	4
House paired:	
Wheeler, S. B.-Stevens,	
Reel-Jordan	4
Grand total	101

The President thereupon announced no election.

Representative Nolan moved that the following rule be adopted:

Whereas, no authority now exists for a roll call of the Twelfth Legislative Assembly when convened in Joint Assembly for the purpose of electing a United States Senator, except the roll call now made for the purpose of ascertaining whether a quorum is present.

It is hereby provided that when the Twelfth Legislative Assembly convenes in Joint Session for the purpose of electing a United States Senator, on any matters before said Joint Assembly when so convened, including the matter of adjournment, a roll call may be demanded by five members, and when so demanded the Clerk of the House shall call the names of the members of the House, and the Secretary of the Senate shall call the names of the members of the Senate.

A record shall be preserved of the votes of the members so voting, as in the case of an Aye and No vote, on any matter on which a roll call is demanded, as herein provided for.

Senator Donlan moved that the motion to adopt this rule be laid on the table.

Motion to table prevailed.

On motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Hewett, the House took a recess at 12:20 o'clock P. M. to meet at 2:00 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

On motion of Alley the Order of Business was changed and the following report of the Committee on Affairs of Cities was received:

Mr. Speaker:

We, a majority of your Committee on Affairs of Cities, to whom was referred House Bill No. 340, introduced by Nolan, a Bill for an Act entitled, "An Act to define and regulate public utilities and provide means for its enforcement," having had said bill under consideration, beg leave to report same back to the House with the recommendation that further consideration thereof be indefinitely postponed.

Report adopted.

On motion of Alley H. B. No. 340 was ordered printed.

The discussion of the motion of Hayes to adopt the report of the Committee on Rules, Joint Rules and Order of Business, which was laid over until the Afternoon Session, was again taken up at this time.

Nolan moved as an amendment to the motion of Hayes, that Rule No. 26 be amended as follows:

Rule 26. Reading generally.

Every bill shall receive three several readings previous to its passage, but no bill shall receive its second and third readings on the same day, except on the last day of the session, and no bill shall receive its third reading that has not been referred to a committee of the House or a Joint Committee of the Senate and House. All bills, memorials or joint resolutions on their first and second readings, unless otherwise provided in these rules, shall be read by their title. The third reading of all bills shall be in full except that of voluminous bills may be dispensed with by a vote of two-thirds of the members present. The third reading of no bill shall be dispensed with unless due notice of intention to invoke this provision of this rule shall have been given not less than one day before such bill is brought before the House for third reading. A motion to lay upon the table shall be in order on the second and third reading of a bill.

Alley moved as a Substitute motion to the amended motion of Nolan, that Rule No. 26 be adopted as contained in the report of the Committee on Rules, Joint Rules and Oorder of Business and as it stnds in the book of rules.

Macdonald moved the previous question. Motion prevailed.

By unanimous consent, Nolan was granted permission to speak on this question.

Upon roll call the substitute motion of Alley was adopted by the

following vote:

Ayes—Alley, Baker, Bernard, Blackburn, Blake, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Hayes, Hewett, Hickey, Holt, Holter, Johnson of Lewis and Clark, Jordan, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, Owenhouse, Paul, Ralston, Roberts, Rodgers, Schwartz, Stevens, Swick, Vaughan, Williams, Word and Mr. Speaker—43.

Noes—Asbridge, Bell, Berry, Binnard, Brady, Burt, Ebert, Grubb, Herbold, Higgins, Jacobson, Johnson of Ravalli, Kammerer, Kirschwing, McMurry, McQuitty, Nolan, O'Hern, Reser, Slayton, Story, Tolman, Tuttle, Whaley, Wheeler of Cascade and Woody—26.

Absent and not voting—Donohue, Reel, Sarter and Wheeler of Silver Bow—4.

Whaley moved the following amendment to Rule No. 59:

Mr. Speaker:

I move to amend Rule 59, page 37, by adding the following provisions: Provided, any person so admitted, who shall lobby for or against any bill or measure before the House, shall be ejected from the floor of the House.

Upon roll call the motion of Whaley was lost by the following vote:

Ayes—Brady, Ebert, Higgins, Kirschwing, Law, McMurray, McQuitty, O'Hern, Slayton, Story, Swick, Tolman, Tuttle, Whaley and Woody—15.

Noes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Stevens, Vaughan, Williams, Word and Mr. Speaker—51.

Absent and not voting—Donohue, Johnson of Ravalli, Moore of Valley, Reel, Sarter, Wheeler of Silver Bow and Wheeler of Cascade—7.

Nolan moved the following amendment to Rule No. 51:

Amend Rule 51 so as to read as follows:

"No standing rule of the House shall be changed or suspended except by a two-thirds vote of the House and no new rule shall be adopted without first being referred to the Committee on Rules, and no joint rule shall be changed or suspended except by a two-thirds vote in each House. All reports by the Committee on Rules shall be adopted by a majority of those voting."

Upon roll call the motion to amend Rule 51 was lost by the following vote:

Ayes—Asbridge, Bell, Binnard, Brady, Burt, Ebert, Higgins, Johnson of Ravalli, Kammerer, Kirschwing, Law, Lissner, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Reser, Slayton, Story,

Tolman, Tuttle, Whaley, Williams and Woody—24.

Noes—Alley, Baker, Bernard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Macdonald, McNally, Martin, Murray, Nelson, O'Flynn, Owenhouse, Paul, Ralston, Roberts, Rodgers, Schwartz, Stevens, Swick, Wheeler of Cascade, Word and Mr. Speaker —41.

Absent and not voting—Berry, Donohue, Herbold, Moore of Valley, Reel, Sarter, Vaughan and Wheeler of Silver Bow—8.

Hewett moved the previous question. Motion prevailed.

On motion, roll call was had and the Rules as presented by the Committee on Rules, Joint Rules and Order of Business, were adopted in their entirety by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Stevens, Story, Swick, Tuttle, Williams, Word and Mr. Speaker—48.

Noes—Asbridge, Berry, Binnard, Brady, Ebert, Herbold, Higgins, Johnson of Ravalli, Kammerer, Kirschwing, Law, McMurry, McQuitty, Nolan, O'Hern, Slayton, Tolman, Whaley, Wheeler of Cascade and Woody—20.

Absent and not voting—Donohue, Reel, Sarter, Vaughan and Wheeler of Silver Bow—5.

THIRD READING OF HOUSE BILLS.

H. B. No. 54 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker —59.

Noes—Jacobson—1.

Absent and not voting—Binnard, Donohue, Duffy of Silver Bow, Hewett, Holter, Moore of Silver Bow, Nelson, Reel, Rodgers, Sarter, Schwartz, Whaley and Wheeler of Silver Bow—13.

Title agreed to.

H. B. No. 307 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Burt, Byrnes, Crouch, Dobell, Ebert, Gillis, Gray, Herbold, Hewett,

Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, McNally, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Ralston, Reser, Roberts, Rodgers, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Williams, Woody, Word and Mr. Speaker—47.

Noes—Grubb, Higgins, Law, Macdonald, McMurry, Paul and Vaughan—7.

Absent and not voting—Bell, Blake, Brady, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Hayes, McQuitty, Moore of Silver Bow, O'Flynn, Owenhouse, Reel, Sarter, Schwartz, Whaley, Wheeler of Silver Bow and Wheeler of Cascade—19

Title agreed to.

H. B. No. 115 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blackburn Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Williams, Woody, Word and Mrs. Speaker—58.

Noes—Johnson of Ravalli—1.

Absent and not voting—Asbridge, Blake, Donohue, Eliel, English, Herbold, McMurry, Moore of Silver Bow, Owenhouse, Reel, Schwartz, Whaley, Wheeler of Silver Bow and Wheeler of Cascade—14.

Title agreed to.

H. B. No. 205 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Macdonald, McMurry, McNally, Nelson, Nolan, Paul, Ralston, Reser, Roberts, Rodgers, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Woody, Word and Mr. Speaker—50.

Noes—Law—1.

Absent and not voting—Brady, Donohue, Duffy of Silver Bow, Eliel, English, Johnson of Ravalli, Kammerer, Lissner, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Reel, Sarter, Schwartz, Wheeler of Silver Bow, Wheeler of Cascade and Williams—22.

Title agreed to.

H. B. No. 209 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins,

Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Moore of Silver Bow, Nelson, Nolan, Paul, Ralston, Reser, Roberts, Rodgers, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Williams, Woody, Word and Mr. Speaker—54.

Noes—Martin—1.

Absent and not voting—Donohue, Duffy of Silver Bow, Eliel, English, Kammerer, McQuitty, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Reel, Sarter, Schwartz, Swick, Whaley, Wheeler of Silver Bow, Wheeler of Cascade—18.

Title agreed to.

Substitute H. B. No. 166, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Gillis, Gray, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Nelson, Nolan, Ralston, Reser, Roberts, Rodgers, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Williams, Word and Mr. Speaker—51.

Noes—None.

Absent and not voting—Binnard, Donohue, Duffy of Silver Bow, Eliel, English, Grubb, Kammerer, McMurry, McQuitty, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Sarter, Schwartz, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Woody—22.

Title agreed to.

Substitute H. B. No. 213 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, Paul, Ralston, Reser, Roberts, Rodgers, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Cascade, Williams, Word and Mr. Speaker—51.

Noes—Hickey, Higgins and Johnson of Ravalli—3.

Absent and not voting—Baker, Bernard, Donohue, Duffy of Silver Bow, Eliel, English, Kammerer, McMurry, Martin, Murray, O'Flynn, O'Hern, Owenhouse, Reel, Sarter, Schwartz, Vaughan, Wheeler of Silver Bow and Woody—19.

Title agreed to.

Crouch moved that when the House adjourns today it adjourn at 5:30 o'clock to meet tomorrow at 10:30 o'clock A. M. Motion prevailed.

On motion of Berry the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Macdonald in the chair.

House resumed.

Mr. Speaker in the chair.

Macdonald from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 112, a Bill for an Act entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, as amended by an Act of the Eleventh Legislative Assembly entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to Tax Deeds, and to fix the limit of time in which actions to set aside or annul Tax Deeds may be brought;" and approved March 3rd, 1909, relating to Tax Deeds, and to repeal the provisions of said Section 2654 as amended in relation to the time within which suits may be brought to set aside or annul Tax Deeds, having had same under consideration, beg leave to report same back to the House with the recommendation that it be not concurred in.

Also having had under consideration House Joint Memorial No. 7, a Memorial to Congress regarding polygamy, report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 203, a Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of Montana, relating to regular meetings of the Board of County Commissioners," report same back to the House with the recommendation that same do pass as amended.

Macdonald moved that the report of the Committee of the Whole be adopted.

Rodgers moved as an amendment that the report of the Committee of the Whole be adopted except as to Senate Bill No. 112.

Paul moved as an amendment to the amendment and as a substitute for all pending motions, that the report of the Committee of the Whole be adopted except as to Senate Bill No. 112 and that Senate Bill No. 112 be recommitted to the Committee on Judiciary.

Substitute motion of Paul adopted.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 13th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notice of the introduction of a bill was this day given:

By Muffly: A Bill for an Act entitled, "An Act prescribing additional duties and powers of the State Accountant and providing for the examination of the book, accounts and financial condition of Boards of Trustees of School Districts of the First Class."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 13th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced without having given previous notice:

By Donlan—A Bill for an Act entitled, "An Act to amend Chapter V of Part III of Title VII of the Revised Codes of 1907, relating to the industry of horticulture; amending Sections 1918, 1922, 1923, 1924, 1925, 1931, 1934, 1939, 1942, 1944 and 1947; re-enacting Sections 1917, 1919, 1921, 1926, 1927, 1929, 1930, 1932, 1935, 1936, 1937, 1938, 1940, 1941, 1943 and 1946 thereof, adding a new Section numbered 1923-A, repealing Sections 1920 and 1933 thereof and renumbering the sections in said Chapter."

By Tooley: A Bill for an Act entitled, "An Act to prescribe additional conditions upon which life insurance companies may transact business in this State; and to require that all such companies shall invest an amount equal to fifty per cent of the reserves required by law to be maintained by them on account of policies of insurance written upon the lives of citizens of Montana, in Montana securities and Montana property, and to define Montana securities and designate the property in which such investments may be made."

By Groff: A Bill for an Act entitled, "An Act to amend Section 8750 of the Revised Codes of the State of Montana, relating to malicious injury to freeholder."

By Whiteside: A Bill for an Act entitled, "An Act to define what misrepresentation or warranty shall be sufficient to defeat or void a policy of insurance and fixing the time when any breach of warranty shall be effective to relieve the insurer from liability."

By Selway: A Bill for an Act entitled, "An Act to regulate the sale of irrigable state lands capable of reclamation under any canal or proposed canal or other irrigation system."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 168, by Donlan: A Bill for an Act entitled, "An Act to amend Chapter V of Part III of Title VII of the Revised Codes of 1907, relating to the industry of horticulture; amending Sections 1918, 1922, 1923, 1924, 1925, 1931, 1934, 1939, 1942, 1944 and 1947, re-enacting Sections 1917, 1919, 1921, 1926, 1927, 1928, 1929, 1930, 1932, 1935, 1936, 1937, 1938, 1940, 1941, 1943 and 1946 thereof, adding a new section numbered 1923-A, repealing section 1920 and 1933 thereof and renumbering the sections in said Chapter." Referred to Committee on Horticulture.

Senate Bill No. 169, by Tooley: A Bill for an Act entitled, "An Act to prescribe additional conditions upon which life insurance companies may transact business in this state; and to require that all such companies shall invest an amount equal to fifty per cent of the reserves required by law to be maintained by them on account of policies of insurance written upon the lives of citizens of Montana, in Montana securities and Montana property, and to define Montana securities and designate the property in which such investments may be made." Referred to Committee on Insurance.

Senate Bill No. 170, by Groff: A Bill for an Act entitled, "An Act to amend Section 8750 of the Revised Codes of the State of Montana, relating to malicious injury to freeholder." Referred to Committee on Judiciary.

Senate Bill No. 171, by Whiteside: A Bill for an Act entitled, "An Act to define what misrepresentation or warranty shall be sufficient to defeat or void a policy of insurance and fixing the time when any breach of warranty shall be effective to relieve the insurer from liability." Referred to Committee on Insurance.

Senate Bill No. 172, by Selway: A Bill for an Act entitled, "An Act to regulate the sale of irrigable state lands capable of reclamation under any canal or proposed canal or other irrigation system." Referred to Committee on Public Lands.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Pursuant to motion of Crouch, and on motion of Johnson of Lewis and Clark, the House adjourned at 5:30 o'clock to meet at 10:30 o'clock A. M. tomorrow.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Forty-Fourth Day.

Tuesday, February 14, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Reel, the Journal of the Forty-third Day as read was approved.

NOTICES OF BILLS.

By Grubb: A Bill entitled, "An Act to amend Section 6714 of the Revised Codes of Montana."

By Alley: A Bill for an Act entitled, "An Act to regulate the purchase of materials and supplies for the use and benefit of the State of Montana, all counties, school districts, and cities and towns therein, and to provide penalties for the violation thereof."

By Alley: A Bill for an Act entitled, "An Act to regulate the manner and conduct of the business of pawnhouses within the State of Montana, and providing penalties for the violation thereof."

By Bell: A Bill for an Act entitled, "An Act to prevent the sale of mortgaged property or its removal from the County in which it is situated, without the written consent of the mortgagee and providing a penalty therefor."

REPORTS OF STANDING COMMITTEES.

McMurry from the Committee on Horticulture reported as follows:

Mr. Speaker:

Your Committee on Horticulture to whom was referred House Bill No. 354, introduced by Higgins, the same being a Bill for an Act entitled, "An Act to establish an Experimental Sub-station in Horticulture in Missoula County, Montana; to authorize the Executive Board of the Montana Agricultural College to manage and control the same; and to appropriate funds with which to construct and maintain said Station," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also McMurry from the Committee on Horticulture reported as follows:

Mr. Speaker:

Your Committee on Horticulture to whom was referred House Bill No. 351, introduced by Bernard, the same being a Bill for an Act entitled, "An Act for the establishment of a Sub-station in Horticulture, and for the purpose of carrying on Experimental work in same, in Lincoln County, Montana," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also McMurry from the Committee on Horticulture reported as follows:

Mr. Speaker:

Your Committee on Horticulture to whom was referred House Bill No. 311, introduced by McMurry, the same being a Bill for an Act relating to Horticulture and prescribing penalties for the violation thereof, and repealing Sections 1917 to 1947, inclusive of the Revised Codes of the State of Montana of 1907," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance having had under consideration

Senate Bill No. 96, the same being a Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana of 1907, relating to the classification of Insurance Corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith," report same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 325 entitled, a Bill for an Act entitled, "An Act appropriating money to reimburse members of the Conservation Commission, the Road Commission and the Employer's Compensation Commission, appointed by the Governor, for the amount of actual expense incurred in connection with the performance of their work," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 326 entitled, "A Bill for an Act entitled, 'An Act to amend Section 1484 of the Revised Codes of 1907, relating to local Boards of Health,'" beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 323 entitled, "A Bill for an Act entitled, 'An Act to amend Section 153 of the Revised Codes of 1907 relating to the custody of the Records and duties of the Secretary of State,'" beg leave to report that after having had the same under consideration, recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 352 entitled, "A Bill for an Act entitled an Act to provide that State Officials shall receive only their actual traveling expenses, and to provide for the payment of the expenses of District Judges, incurred on account of holding court in Counties other than the Counties where they reside," beg leave to report that after hav-

ing had the same under consideration recommend that the same do pass.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred House Bill No. 243, being a Bill for an Act entitled, "An Act to exempt honorably discharged sailors and soldiers of the War of the Rebellion and honorably discharged sailors and soliders of the Spanish-American War from the payment of Road Tax and Poll Tax," having had said Bill under Consideration recommend that the same do pass.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred Senate Bill No. 108, being a Bill for an Act entitled, "An Act to amend Section 1092 of the Revised Codes of 1907, relating to the duties, powers and compensation of the Adjutant General of the State of Montana," having had said Bill under consideration recommend that Section 1097 be amended by striking out the word "five" in line 19 of said Section 1907, and inserting in lieu thereof the word "ten" and that as amended said Bill be concurred in.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred House Bill No. 356, being a Bill for an Act entitled, "An Act to provide for the preservation of information concerning members of the Montana Volunteers who served in the Spanish-American War of 1898, and making appropriation therefor," having had said bill under consideration recommend that the same do pass.

Report adopted.

Also Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred House Bill No. 276, introduced by Whaley, a Bill for an Act entitled, "An Act to amend Section 3003 of the Revised Codes of Montana relating to the deposit and control of public money in the possession of County Treasurers, to porvide for the payment of interest on public money, and for the furnishing of official bonds by such officers," after due consideration, beg leave to report and recommend that it do not pass.

Kammerer moved the adoption of the report.

Whaley moved as a substitute motion that H. B. No. 276 be print-

ed and placed on General Orders.

Substitute motion of Whaley, upon roll call was adopted by the following vote:

Ayes: Baker, Bell, Bernard, Binnard, Brady, Burt, Crouch, Ebert, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Jacobson, Johnson of Ravalli, Kirschwing, Law, Macdonald, McMurry, McQuitty, Moore of Valley, Nelson, Nolan, O'Hern, Reser, Schwartz, Slayton, Vaughan, Whaley, Williams, Woody and Word—33.

Noes—Alley, Blackburn, Byrnes, Dobell, Donohue, Duffy of Granite, Eliel, Gillis, Hewett, Holt, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, McNally, Moore of Silver Bow, O'Flynn, Paul, Ralston, Reel, Roberts, Rodgers, Sarter, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Wheeler of Cascade and Mr. Speaker—31.

Absent and not voting—Asbridge, Berry, Blake, Duffy of Silver Bow, English, Lissner, Martin, Murray, Owenhouse—9.

Word, Speaker Pro Tem, in the chair.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred House Bill No. 216, introduced by Tolman, being a Bill for an Act entitled, "An Act providing for a method of organization of counties hereafter created, and describing the method thereof, and providing for the appointment of the necessary officers and persons for such organizations, and the duties of such officers, and the manner of the selection for appointment and providing for the expenses," after due consideration beg leave to report same back to the House with the recommendation that the Bill do not pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred House Bill No. 224, introduced by Gray, being a Bill for an Act entitled, "An Act to create the County of Lake, designate its boundaries and provide for its organization and government, and to change the boundaries of Flathead, Missoula and Sanders Counties to conform thereto," after due consideration recommend that the bill be amended as follows:

Strike out the words "the point of beginning" in the last line of Section 1, and insert in lieu thereof the following:

"A point of said Flathead Reservation line directly north of the west line of Township 24, North of Range 22 West; thence South lowing the said Township line between Ranges 22 and 23 West to the Southwest corner of Township 24 North, Range 22 West; thence due East to the East shore of the Flathead Lake; thence following the east shore of Flathead Lake in a northerly direction to a point where said shore meets the north line of the Flathead Indian Reservation, the place of beginning."

With the foregoing amendment beg leave to report same back to the House with the recommendation that the Bill be printed.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred House Bill No. 114, introduced by Nelson, being a Bill for an Act entitled, "An Act to create the County of Cardwell, designate its boundaries, alter the boundaries of Jefferson, Madison and Silver Bow Counties to conform therewith, and to provide for the organization and government of Cardwell County," after due consideration recommend that the bill be amended as follows:

Strike out after the word "direction" in line 14 of Section 1, the following: "Towards Foremans Crossing of the Madison River, to a point where said line intersects the South Boundary line of Township 1 South, thence west along the said South Boundary of Township 1 South, to the Boundary line between Ranges 3 and 4 West, Montana Principal Meridian; thence South along said Boundary line between Ranges 3 and 4 West, to the South Boundary line of Township 2 South, Montana Principal Meridian," and insert in lieu thereof the following: "To Foremans Crossing of the Madison River, and thence up the main channel of said Madison River to its intersection with the South Boundary line of Township 3 South; thence West along said South Boundary line of Township 3 South to the line between ranges 3 and 4 west of the Montana Principal Meridian; thence North to the South Boundary line of Township 2 South."

That Section 10, line 3 be amended by striking out the name "Isaac Westmoreland" and inserting in lieu thereof the name "Fred G. Smith."

With the foregoing amendments refer same back to the House with the recommendation that the bill be printed.

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance having had under consideration House Bill No. 250, introduced by Bernard, the same being a Bill for an Act entitled, "An Act to amend Sections 4092 and 4106 of the Compiled Codes of the State of Montana, relating to mutual rural insurance companies," report the same back to the House with the recommendation that the Substitute for House Bill No. 250 do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred Substitute for House Bill No. 339, House Joint Memorials Nos. 5 and 8, and House

Bills Nos. 223, 349, 177, 290, 15, 348, 184, 148, 297, 159, 272 and 312, beg leave to report same as correctly printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Blackburn, H. B. No. 370: A Bill for an Act entitled, "An Act prescribing the salary of certain appointive and Deputy State Officers, clerks, Stenographers and employees at the State Capitol."

By Blackburn, H. B. No. 371: A Bill for an Act entitled, "An Act to create and establish the office of Legislative Draftsman, and prescribing his duties."

By Holter, H. B. No. 372: An Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices."

By Bell, H. B. No. 373: A Bill for an Act entitled, "An Act authorizing the City Council of any City of the first or second class to purchase an Exposition Hall and Auditorium, or to purchase its site therefor, and to erect thereon such Exposition Hall and Auditorium, to contract indetedness therefor on behalf of any such City and to issue bonds for such purpose."

By Bell, H. B. No. 374: A Bill for an Act entitled, "An Act to provide for the establishment of a Board of Architectural Examiners and providing certain requirements and qualifications for the practice of Architecture in the State of Montana."

By Wheeler of Cascade, H. B. No. 375: A Bill for an Act entitled, "An Act to repeal Chapter 67 of the Eleventh Session Laws of Montana entitled, "An Act to create a State Accidental Insurance, and Total Permanent Disability Fund, for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor, and fixing penalties for the violation of the provisions of this Act."

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 370, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 371, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 372, read first and second times by title only, and referred to Committee on Townships and Counties.

H. B. No. 373, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 374, read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

H. B. No. 375, read first and second times by title only, and referred to Committee on Mines and Mining.

MOTIONS AND RESOLUTIONS.

Tolman offered the following motion:

Mr. Speaker:

I move that the Committee on Corporations other than Municipal be instructed to report on House Bill No. 207, being a bill to define and punish lobbying, which was referred to that Committee on January 25, and that the report be made to the House not later than to-morrow morning.

Jordan moved the previous question. Motion prevailed.

Upon motion of Rodgers, roll call was had and the motion of Tolman was lost by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Blake, Brady, Burt, Ebert, Grubb, Higgins, Kirschwing, Law, Macdonald, McMurry, McQuitty, Martin, Moore of Valley, Nolan, O'Hern, Owenhouse, Reser, Story, Tolman, Tuttle, Whaley, Wheeler of Cascade and Woody 28.

Noes—Alley, Binnard, Blackburn, Byrnes, Crouch, Dobell, Duffy of Granite, Eliel, English, Gilis, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, McNally, Moore of Silver Bow, Nelson, O'Flynn, Ralston, Reel, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Williams and Word—36.

Absent and not voting: Donohue, Duffy of Silver Bow, Gray, Lissner, Murray, Paul, Vaughan, Wheeler of Silver Bow and Mr. Speaker—9.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 203, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 2891 of the Revised Codes of Montana, relating to the regular meetings of the Board of County Commissioners," and

House Joint Memorial No. 7, introduced by Vaughan, a Memorial to Congress relating to the practice of polygamy and requesting a Constitutional Convention to amend United States Constitution as provided by Article V thereof, as being correctly engrossed.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communications were received from the Governor:

Executive Office, Helena, Montana, February 14, 1911.

The Speaker of the House of Representatives

House of Representatives,

Helena, Montana.

Having in mind the near approach to the close of the Session and the large amount of important legislation undisposed of, it seems advisable to at this time refer to the recommendation made in my regular and special messages to the Assembly.

Your attention is again specifically called to the following:

The bills recommended by the Conservation Commission; the necessity of conferring upon the Governor the authority to enforce the laws; the apportionment of Legislative representation; the gen-

enral demand for a comprehensive road law; an employer's liability and workmen's compensation act; a constitutional amendment authorizing the creation of a tax commission; a public utilities commission; the examination of private banks; the reorganization of the State Fair; a direct primary law and laws insuring pure foods and correct weights and measures.

There are also other important subjects that merit your careful and prompt consideration. There is yet time for the consideration of all legislation of a general nature, provided there is concerted action on the part of the members and carefully planned co-operation between the Senate and the House.

Of the forty-five Bills and Resolutions passed by the Assembly and transmitted to the Executive Office up to the present time, only a few can be justly considered as of general interest and public concern. By far the largest number of measures of State-wide importance are now pending before the Assembly. It must be remembered that special activity on behalf of a bill is not always a criterion by which one may judge of its importance, as advocates of legislation of a general nature are seldom found among those who are designated as a lobby.

Permit me to respectfully urge that during the remainder of the Session you individually and collectively make every effort to advance for consideration and speedy action all legislation of general interest to the people of Montana. To that end it seems proper to suggest that your committees be required to promptly report bills referred to them. Committees, whether standing or steering, are intended to serve as mediums to facilitate legislation and not for the purpose of delaying or preventing consideration of measures. It is sincerely hoped that the actions of your committees may not be such as to create in the public mind a suspicion that legislation is being retarded or that such action is for the purpose of preventing the position of any member or members upon any measure from becoming known.

I shall not here repeat the reasons heretofore advanced in favor of the passage of the bills herein referred to, but call your attention to my several messages hitherto transmitted to you. I do, however, wish to direct your attention to the fact that nearly all of these measures were favored in the last State platforms of both the Democratic and Republican parties. In view of these party declarations and the extensive public sentiment favorable to their enactment, what valid reason can be urged for withholding consideration of these bills? It would be unfortunate indeed if the public should lose confidence in the sincerity of party declarations or in the efficiency of the law-making power.

The suggestion is respectfully made that when any action is taken upon any measure of public interest a roll call be had thereon. Experienced legislators have often remarked that frequent calls insure that members will more thoroughly familiarize themselves with pending legislation and result in better considered action thereon.

My one desire in this matter is to leave no stone unturned to

secure the enactment of meritorious measures—laws that will make for the betterment of conditions in Montana, laws that are advocated by the great body of Montana's citizens, and laws that will stand as everlasting monuments to the Assembly that places them on our statute books.

(Signed): EDWIN L. NORRIS, Governor.

Also

Executive Office, Helena, Montana, February 14, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

Herewith is transmitted for such action as the House may deem advisable a copy of a telegram this day received from Hon. Hiram W. Johnson, Governor of California, relative to the Panama-Pacific Exposition.

(Signed): EDWIN L. NORRIS, Governor.

Telegram attached was referred to Committee on Fairs and Expositions.

The hour of 11:45 A. M. having arrived, the Chief Clerk called the roll and found all members present.

Nolan moved that the communication from the Governor relative to the near approach of the close of the session, be referred to the Steering Committee, with directions to report as to whether measures are pending respecting the subjects referred to in the message and if so in what state of passage they are.

Byrnes moved that the motion of Nolan be laid on the table.

O'Hern moved the previous question. Motion to previous question prevailed.

Roll call upon the motion of Byrnes was in progress when the Honorable Senate was announced by the Seargeant at Arms, and being admitted, further proceedings on roll call were suspended on account of the Joint Session being thereupon called.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

O'Hern asked that a Resolution be read to the Assembly before

the roll was called on vote for United States Senator, and stated that said Resolution had been transmitted to him from Missoula.

Blake raised question of consideration of Resolution.

Consideration of Resolution was rejected by a vote of 53 opposed, to 42 in favor of said consideration.

Wheeler of Silver Bow moved that O'Hern be requested to read the resolution in order that the members might know upon what they were voting.

Motion lost by the following vote:

Those in favor—40.

Those opposed—56.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame, Everett, Larson, McCone and Sykes—5.

For T. M. Swindlehurse—Conrow—1.

For W. B. George—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—17.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bernard, Blake, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jordan, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick and Williams—22.

For W. R. Allen—Bell, Burt, Schwartz and Vaughan—4.

For F. C. Webster—Higgins—1.

For C. N. Pray—Jacobson and Reser—2.

For E. A. Sweet—Murray—1.

For A. J. McKay—Nelson—1.

For R. Lee Word—Owenhouse—1.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

For E. J. Owenhouse—Word—1.

Total—73.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	24
For T. H. Carter	33
For W. G. Conrad	24
For W. R. Allen	9
For C. N. Pray	2
For T. M. Swindlehurst	1
For W. B. George	1
For F. C. Webster	1
For E. A. Sweet	1
For A. J. McKay	1
For R. Lee Word	1
For W. F. Meyer	1
For C. B. Nolan	1
For E. J. Owenhouse	1
Total	101

O'Hern read a Resolution from the Missoula Trades and Labor Council relative to the election of a United States Senator when he cast his vote for United States Senator.

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Speaker pro tem in the chair.

On motion of Macdonald, the House took a recess at 12:30 o'clock P. M. to meet at 2:00 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Roll call upon the motion of Byrnes to table the motion of Nolan relative to the disposition of the Governor's message was at this time resumed with the following result:

Ayes—Alley, Baker, Beil, Bernard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Holt, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, Martin, Moore of Valley, Murray, O'Flynn, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Stevens, Williams and Mr. Speaker—40.

Noes—Asbridge, Berry, Binnard, Brady, Donohue, Ebert, Hayes, Higgins, Jacobson, Johnson of Ravalli, Kirschwing, Law, McMurry, McNally, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Reel, Slayton, Story, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody and Word—27.

Absent and not voting—Macdonald, Nelson, Swick, Tolman, Tuttle, Vaughan—6.

Eliel moved that the message of the Governor be taken from

the table. Motion prevailed.

On motion of Eliel it was ordered that the Chairman of each of the Standing Committees and also of the Steering Committee be supplied with a copy of the Governor's message, or the essential parts thereof and also that a Committee of three be appointed to wait upon the Governor and to assure his Excellency of the readiness of this House to consider such legislation as is specified in the communication.

Mr. Speaker appointed the following committee pursuant to above motion.

Eliel, Wheeler of Silver Bow and Ebert.

The following was received from the Steering Committee:

Place on General Orders:

Senate Bills Nos. 46, 48, 54, 64, S. J. M. 7, S. J. M. 4 and 6; Senate Bills Nos. 16, 28 and Sub. 59, Senate Bills Nos. 1, 118, 83, 91, 111 and 106.

Signed:) J. E. EDWARDS,
Chairman of Joint Steering Committee.
OWEN BYRNES,
Chairman of House Steering Committee.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 63, beg leave to report same as correctly printed.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced without having given previous notice:

By Leary: A Senate Joint Memorial, relating to the protecting against the incorporation within Forest Reserves of large areas of public lands within our State.

By Donlan: A Bill for an Act entitled, "An Act to amend Section 4198 of the Revised Codes of Montana, concernig Building and Loan Associations."

By McCone: A Bill for an Act entitled, "An Act to establish a State Game Preserve for the protection of antelope and other game animals and game birds, and providing the penalties for the violation thereof."

By Muffly: A Bill for an Act entitled, "An Act to amend Section 2 of Chapter 92 of the Laws of 1909, being an Act entitled, 'An Act to amend an Act entitled, 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported, or registered, and

providing penalties for the breach of the same,' which Act was approved on February 16th, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and to provide penalties for the breach of the same.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena Montana, February 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 173, by Donlan: A Bill for an Act entitled, "An Act to amend Section 4198 of the Revised Codes of Montana, concerning Building and Loan Associations." Referred to Committee on Judiciary.

Senate Bill No. 174, by McCone: A Bill for an Act entitled, "An Act to establish a State Game Preserve for the protection of antelope and other game animals and game birds, and providing the penalties for the violation thereof." Referred to Committee on Fish and Game.

Senate Bill No. 175, by Muffly: A Bill for an Act entitled, "An Act prescribing additional duties and powers of the State Accountant and providing for the examination of the books, accounts and financial affairs of the Boards of Trustees of School Districts of First Class." Referred to Committee on Education.

Senate Bill No. 176, by Muffly: A Bill for an Act entitled, "An Act to amend Section 2 of Chapter 92, of the laws of 1909, being an Act entitled, 'An Act to amend an Act entitled, 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported, or registered, and providing penalties for the breach of the same,' which Act was approved on February 16th, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest or speed or skill or endurance of animal, or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and to provide penalties for the breach of the same." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Joint Memorial No. 9, by Leary: Relating to the protection against the incorporation within Forest Reserves of large areas of

public lands within our State. Referred to Committee on Federal Relations.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 57, 81, 87, 91, 122 and 153, having been read three several times and concurred in are herewith returned; also Senate Bills Nos. 84, 134, 133 and Senate Joint Memorial No. 8, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills No. 86, introduced by Wheeler of Silver Bow, and No. 171, introduced by Grubb, having been read three several times and concurred in, as amended, are herewith returned for your concurrence in Senate amendments to both bills.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills No. 119, introduced by Joint Committee of Senate and House, No. 145, introduced by Donlan, No. 93, introduced by Gallwey, and No. 141, introduced by Sykes, having been read three several times and passed, are herewith transmitted for your concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 84, a Bill for an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint additional deputies at certain times; providing for their compensation, and authorizing the State Game and Fish Warden to employ an additional clerk, and fixing the salary thereof, and providing the manner in which the same shall be paid," read first and second times by title only and referred to Committee on Fish and Game.

S. B. No. 134, a Bill for an Act entitled, "An Act to amend Sec-

tion 1509 and Section 1564 of the Revised Codes of Montana, 1907, providing that sewage systems must be approved by the State Board of Health and relating to the pollution of water supply," read first and second times by title only and referred to Committee on State Boards and Officers.

S. J. M. No. 8, a Memorial to Congress of the United States for speedily opening the Blackfoot Reservation for settlement and all Indian rights adjusted, read first and second times by title only, and referred to Committee on Federal Relations.

S. B. No. 119, a Bill for an Act entitled, "An Act to appropriate money to be applied by the State in the purchase of the property of Mitchell & Musigbrod, located in Deer Lodge County, Montana, to enable the State to at once take over such property and use the same for the care of the indigent insane, and others in need of hospital attention and treatment, in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2, and authorizing the State Board of Examiners to apply surplus moneys in the general treasury on the purchase of said property," read first and second times at length and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 145, a Bill for an Act entitled, "An Act providing for an apraisal commission to investigate and report with respect to the reasonable value of the property of the copartnership of Mitchell & Musigbrod, located in Deer Lodge County, the purchase of which has been recommended by Joint Committee; providing for the acceptance of the terms of this Act and for arbitration in order to reach agreement respecting the value of the property, and prescribing the duties of the State Board of Examiners in the premises," read first and second times by title only, and referred to Committee on State Institutions, Public Buildings and Grounds.

S. B. No. 93, a Bill for an Act entitled, "An Act providing for a Juvenile Court Procedure, providing for the appointment of Probation Officers, outlining their duties and specifying their compensation, defining Juvenile Delinquent persons and a delinquent child, providing a lawful method of procedure against Juvenile Delinquents, their parents and guardians, specifying places for their temporary and permanent detention and the compensation for their care. providing for time and place of trial, providing methods and means to carry the provisions of this Act into effect; repealing Sections 9423 to 9439 inclusive of the Revised Codes of the State of Montana for 1907," read first and second times by title only, and referred to Committee on Judiciary.

The Committee on Corporations other than Municipal at this time was excused from attendance in the House.

THIRD READING OF BILLS.

H. B. No. 203 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Silver

Bow, Eliel, English, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Johnson of Lewis and Clark, Kirschwing, Lissner, McNally, McQuitty, Moore of Valley, Murray, Nelson, O'Hern, Owenhouse, Paul, Ralston, Roberts, Sarter, Schwartz, Slayton, Story, Tolman, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—50.

Noes—Ebert, Herbold, Jacobson, Johnson of Ravalli, Law, Martin, Reser and Tuttle—8.

Absent and not voting—Bell, Duffy of Granite, Gillis, Jordan, Kammerer, Macdonald, McMurry, Moore of Silver Bow, Nolan, O'Flynn, Reel, Rodgers, Stevens, Swick and Whaley—15.

Title agreed to.

H. J. M. No. 7 having been read three several times was passed by the following vote:

Ayes—Asbridge, Berry, Blake, Brady, Burt, Byrnes, Crouch, Duffy of Silver Bow, English, Gray, Grubb, Herbold, Hewett, Hickey, Johnson of Ravalli, Johnson of Lewis and Clark, Kirschwing, Lissner, McMurry, McQuitty, Moore of Valley, Reser, Sarter, Story, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—31.

Noes—Alley, Donohue, Ebert, Jacobson, Jordan, Law, Martin, Nelson, O'Hern, Owenhouse, Paul, Roberts, Whaley, Wheeler of Silver Bow and Woody—15.

Absent and not voting—Baker, Bell, Bernard, Binnard, Blackburn, Dobell, Duffy of Granite, Eliel, Gillis, Hayes, Higgins, Holt, Holter, Kammerer, Macdonald, McNally, Moore of Silver Bow, Murray, Nolan, O'Flynn, Ralston, Reel, Rodgers, Schwartz, Slayton, Stevens, Swick —27.

Title agreed to.

No objection being offered, the Special Committee on Mines and Mining was excused from attendance in the House.

On motion of Alley, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Alley in the chair.

House resumed.

Mr. Speaker in the chair.

Alley from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 46, a Bill for an Act entitled, an Act to cede jurisdiction over "The Glacier National Park" to the United States, and for other purposes, having had same under consideration beg leave to report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 48, a Bill for an Act entitled, "An Act defining the powers and duties of the Register of State Lands, and fixing his bond; creating the office of Receiver for State Lands, providing for his appointment, fixing his salary and defining his powers and duties; providing that the State Board of Land

Commissioners shall have power to appoint a clerk, and such other office force as may be necessary, and repealing Section XXII of Chapter 147, Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the management and control of State Lands," report same back to the House with the recommendation that it be re-referred to the Committee on State Boards and Officers.

Also having had under consideration S. B. No. 54, a Bill for an Act to create the officer of State Sealer of Weights and Measures and providing the duties and powers relative to the inspection and sealing of weights and measures, and providing penalties for the violation thereof, report same back to the House with the recommendation that same be concurred in as amended.

Also having had under consideration, S. B. No. 64, an Act entitled, "An Act to amend Section 8792, relating to the catching of fish," report same back to the House with the recommendation that same be not concurred in.

Also having had under consideration S. J. M. No. 7, regarding the building of two steel bridges over the Kootenai River in the Kootenai National Forest, report same back to the House with the recommendation that same be re-referred to the Steering Committee.

Also having had under consideration S. J. M. No. 4, a Petition to Congress to enact such legislation as will be necessary for the establishment of pleasure grounds on the irrigation districts now laid out, and also naming Fort Shaw Military Post as one of said parks, report same back to the House with the recommendation that same be concurred in.

Also having had under consideration S. J. M. No. 6, a Petition to Congress to enact such legislation as will relieve the settlers under irrigation projects in Montana, east of the main range of the Rocky Mountains, report same back to the House with the recommendation that same be concurred in.

Also having had under consideration Senate Bill No. 16, an Act to regulate the sale of goods, wares and merchandise within the State of Montana, known as prison made goods, report same back to the House with the recommendation that same be concurred in as amended.

Also having had under consideration Senate Bill No. 28, a Bill for an Act entitled, "An Act to prohibit and regulate the issuance of reduced or free transportation by common carriers, and providing penalties for violation thereof," report same back to the House with the recommendation that same be re-committed to the Committee on Judiciary.

Report of the Committee of the Whole adopted.

Stevens moved that the House recess untill 8:00 o'clock this evening.

Eliel moved as a substitute motion that the House adjourn.

Motion prevailed and the House adjourned at 5:45 o'clock P. M. to meet to-morrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Forty-Fifth Day.

Wednesday, February 15, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motioin of Reel the Journal of the Forty-fourth Day as read was approved.

NOTICES OF BILLS.

By Bell: A Bill for an Act entitled: "An Act to amend Section 3216 of the Revised Codes of Montana of 1907 relating to officers of cities of the first class and prescribing certain qualifications for police judges in such cities."

By Alley: A Bill for an Act entitled, "An Act to amend Section 3291 of the Revised Statutes of Montana, relating to the granting of franchises by cities and towns."

By O'Flynn: A Bill for an Act entitled, "An Act to amend Section 6758 of the Revised Statutes of Montana, 1907, relating to the rendering of general or special verdicts."

By Gillis: A Bill for an Act entitled, "An Act to regulate the business of junk dealers, and providing penalties for the violation thereof."

By Gillis: A Bill for an Act entitled, "An Act to amend Section 3847 of the Revised Statutes of Montana, 1907, relating to the place of holding meetings of stockholders and boards of directors of corporations."

By Blackburn, Chairman Committee on Appropriations: A Bill for an Act entitled, "An Act to permit railroad companies to carry free, or at reduced rates, persons and property in certain cases."

By Blackburn: A Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana."

By Sarter: A Bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of One Thousand ($1,000) Dollars for reimbursements of moneys deposited as evidence of good faith in bidding upon contract."

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 134, introduced by O'Flynn, being a Bill for an Act entitled, "An Act to provide for the appointment of a Special Deputy in the Bureau of Agriculture, Labor and Industry, such Deputy to be known and designated as Inspector at Large, defining his powers and duties and fixing his compensation," report the same back to the House and recommend that the same be amended by striking out Section 6 and inserting in lieu thereof the following:

"Section 6. The Commissioner of Labor shall see that every necessary precaution is taken to insure the safety and health of employees employed in the quarries of this State, and in the construction of all tunnels being constructed in the State, and shall prescribe rules and regulations thereior; he shall keep a record of the names and location of such tunnels and quarries and the names of the persons or corporations owning or operating the same; he shall collect lata concerning the working thereof, examine carefully into the method of timbering such tunnels and such drifts, inclines and slopes in connection with the construction of said tunnels, through which employees and other persons pass, in the performance of their daily labor; he shall require that all persons or corporations owning and operating and constructing tunnels, and all persons or corporations owning and operating and constructing tunnels, and all persons or corporations owning and operating quarries, comply with the provisions of this Chapter; he shall have power to demand from any person or persons or corporation or owner, owning and operating such quarries and constructing such tunnels, such information as he shall deem necessary to carry out the provisions of this act.

The Commissioner of Labor shall keep a record of all tunnel and quarry examinations, showing the date thereof and the condition in which all tunnels and quarries are found, and the manner of working the same; he shall make an annual report to the Legislature during the month of January, containing a statement of the number of tunnels and quarries visited; the number in operation; the number of men employed; and the number and cause of accidents, fatal and non-fatal, that may have occurred in and about the same."

And amend Section 7 by striking out in line two thereof the word "mine," and as amended recommend that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 107, introduced by Wheeler of Silver Bow, being a Bill for an Act entitled, "An Act relating to the Liability of employers for injuries

to their employes," having had the same under consideration, report the same back to the House and recommend that it be indefinitely postponed; that a substitute House Bill be introduced in lieu thereof, and recommend that the Substitute House Bill No. 107, being a Bill for an Act entitled, "An Act relating to the liability of employers for injuries to their employes," do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 324 entitled, "A Bill for an Act entitled, An Act appropriating the sum of Two Hundred and Fifty ($250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Duffy of Silver Bow from the Committee on Mines and Mining reported as follows:

Mr. Speaker:

We your Committee on Mines and Mining to whom was referred Senate Bill No. 66 entitled, "An Act to regulate the operation of all coal mines in the State of Montana, to provide for their inspection and the qualification of inspectors and certain other employes of coal mines and to codify all laws with reference to the operation of all coal mines in the State of Montana, repealing Sections 1679, 1680, 1681 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709 and 1710; 2023 of the Revised Codes of the State of Montana, and Chapters 64 and 65 of the Laws of 1909, would respectfully recommend the following amendments:

Amend Section 108, line 1384 by striking out all after the word "after" and inserting the following "ninety (90) days from and after its passage and approval by the Governor."

Amend Section 72, line 805, by inserting after the word "water' the following: "or some compound or chemicals used for such purpose."

Your Committee would further respectfully recommend that the bill be concurred in as amended.

Report adopted.

Also Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 330, entitled, "A Bill for an Act entitled, 'An Act authorizing the Tax Commission of the State of Montana to examine and secure the attendance of witnesses, and the production of books, papers and documents before it,'" beg leave to report said bill back

to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Also Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 331 entitled, "A Bill for an Act entitled, 'An Act to provide for the appointment of a Tax Commission, to prescribe the duties thereof, and to appropriate money therefor,'" beg leave to report said bill back to the House with the following amendments:

Amend Section 3, line 4 and page 2, by striking out the words "state printer,' and substituting in lieu thereof the words "state board of examiners."

Amend Section 4 by striking out said section, and substituting in lieu thereof a section to be numbered Section 4, reading as follows:

Said Commissioners shall receive as compensation for their services the sum of Ten Dollars ($10.00) per day each, to be paid at the time their final report is made, such payment to be made by warrant drawn by the State Auditor on the State Treasurer.

They may employ a stenographer whose compensation, together with the expenses for printing, stationery, postage, and other expenses necessary for the purpose of this commission, shall be audited by the Governor, Attorney General and State Auditor, and when so approved and allowed the State Auditor shall draw his warrant upon the State Treasurer for the same; provided that the compensation of said commission, as salary, shall not exceed the sum of Eighteen Hundred ($1800.00) Dollars, and the salary of the stenographer shall not exceed Three Tundred ($300.00) Dollars, and the other expenses connected with the work of said Commission shall be the actual expenses incurred in printing the bills framed for submission.

And providing further, that the members of the Commission shall be allowed ten cents a mile for the distance actually traveled when attending meetings of said Commission.

Amend Section 6, line 3, by striking out the words and figures "Twelve Thousand ($12,000.00) Dollars," and inserting in lieu thereof the words and figures, "Twenty-five Hundred ($2500.00) Dollars."

And that as so amended said Committee recommends that said Bill do pass.

Report adopted.

Also Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred Senate Bill No. 10, entitled, "A Bill for an Act to provide for and regulate the manner and method of taxing mortgages," beg leave to report said Bill back to the House with the following amendments:

I. Amend Section 1, by striking out the whole thereof, and inserting in lieu thereof the following:

"Section 1. The words "real property," "real estate," and "land," as used in this Act, in addition to the definition thereof contained in the Revised Codes of Montana, 1907, shall include all property a conveyance whereof may be recorded under existing laws; and the words "personal property" and "chattels" as used in this Act, in addition to the definition thereof contained in the Revised Codes of Montana, 1907, shall include all property except real property, real estate and lands; and the word "mortgage" as so used, shall mean any instrument creating or evidencing a lien of any kind on either real or personal property, given or taken as security for a debt. No instrument relating to either real or personal property shall be deemed valid as security for any debt unless the fact that it is so intended and the amount of such debts are expressed therein. But a mortgage given to correct a misdescription of the mortgaged property, or to include additional security for the same indebtedness shall not be subject to the tax imposed in this act, nor shall a mortgage securing the same and other indebtedness additional to that upon which such tax has been paid, be taxable hereunder, except for such additional sum.

II. Amend Section 2 by inserting after the word "real" in line 16, of printed bill, the words "or personal."

III. Amend Section 2, by striking out in line 16 the figures and words, "1st day of July," and inserting in lieu thereof the words and figures, "6th day of March."

IV. Amend Section 2 by striking out the word "estate" in line 17, and inserting in lieu thereof the words "or personal property."

V. Amend Section 2 by striking out the words "real estate" in line 19, and inserting in lieu thereof the word "property."

VI. Amend Section 2 by striking out the words "real estate" in line 20, and inserting in lieu thereof the word "property."

VII. Amend Section 4 by inserting after the word "mortgage" in line 30, the words, "or deed in trust."

VIII. Amend Section 4 by inserting after the word "mortgage" in line 30, the words "or guarantee."

IX. Amend Section 5 by striking out the word "land" in line 40, and inserting in lieu thereof the word "property."

X. Amend Section 5 by striking out the word "real" in line 54, and inserting in lieu thereof the words, "either real or personal property."

XI. Amend Section 5 by striking out the words "real property covered by" in line 60, and inserting in lieu thereof the words, "property described in."

XII. Amend Section 5 by striking out in line 66 the words "tract of land in any such mortgage" and inserting in lieu thereof the words, "real or personal property described in any such mortgage."

XIII. Amend Section 6 by striking out in line 67 the word "estate" and inserting in lieu thereof the words, "or personal property."

XIV. Amend Section 6 by striking out in lines 72 and 73 words, "as to such real estate in any office," and inserting in lieu thereof

the words, "in any county."

XV. Amend Section 6 by striking out in line 74 the word "real."

XVI. Amend Section 8 by striking out in line 82 the words, "real estate" and inserting in lieu thereof the words "either real or personal property."

XVII. Amend Section 8 by striking out in lines 82 and 83 the words and figures "1st day of July," and inserting in lieu thereof the words, "6th day of March."

And that as so amended your said Committee recommends that said Bill be concurred in.

Report adopted.

Also Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred Senate Bill No. 14 entitled, A Bill for an Act entitled, "An Act to amend Section 1147 of the Revised Codes of 1907, and to add an additional Section to be numbered 1147-a of the Revised Codes of 1907, relating to the examination and commitment of insane persons, and providing for their maintenance," beg leave to report the bill back to the House with the following amendment:

By striking from the title of said bill the words; "And to add an additional section to be numbered 1147-a of the Revised Codes of 1907," and that as so amended they recommend that said bill be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 288, by Reser, a Bill for an Act entitled, "An Act appropriating money for the payment of Lost Bounty Claim," having had said Bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 225, by Baker, a Bill for an Act entitled, "An Act appropriating money for the purchase of the George G. Swallow Library and authorizing and empowering the President of the University of Montana to purchase said library for said University," having had said Bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows.

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate

Bill No. 60 by Cockrell, a Bill for an Act entitled, "An Act to authorize the State Board of Examiners of Montana to prepare and have indexed, printed and bound copies of the debates and proceedings of the Constitutional Convention of the State of Montana and to provide for the distribution of the same and providing an appropriation therefor," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be not concurred in.

Report adopted.

Also Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 306, 289, 162, 111, 275, 240, 83, 124, 234, 338, 241, 269 and Substitute for House Bill No. 138, beg leave to report same as correctly printed.

By unanimous consent Paul was granted permission to introduce a Bill without previous notice having been given.

Also by unanimous consent McQuitty was granted permission to introduce a Memorial without previous notice having been given.

Also by unanimous consent, Sarter was granted permission to introduce a bill.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Paul, H. B. No. 376, introduced without previous notice by unanimous consent: A Bill for an Act entitled, "An Act to pay employees of the Senate and House as provided in Section 209, Part III, Chapter II, Article V of the Political Code of the State of Montana."

By Lissner, H. B. No. 377: A Bill for an Act entitled, "An Act to provide for the sale of personal property by persons, firms, corporations or others who have expended work and labor thereon."

By Sarter, H. B. No. 378, introduced by unanimous consent: A Bill for an Act entitled, "An Act to provide for the payment to Edward Wagner the sum of One Thousand Dollars ($1,000.00) for reimbursement of moneys deposited as evidence of good faith in bidding upon contract."

By Bell, H. B. No. 379: A Bill for an Act entitled, "An Act to prevent the sale of mortgaged property, or its removal from the County in which it is situated, without the written consent of the mortgagee, and providing a penalty therefor."

By Alley, H. B. No. 380: A Bill for an Act entitled, "An Act to regulate the manner and conduct of the business of pawnbrokers within the State of Montana, and providing penalties for the violation thereof."

By Alley, H. B. No. 381: A Bill for an Act entitled, "An Act to regulate the purchase of materials and supplies for the use and benefit of the State of Montana, all counties, school districts, and cities and town therein, and to provide penalties for the violation thereof."

House Joint Memorial 11, by McQuitty: A Memorial to the Con-

gress of the United States urging the ratification of trade agreement with the Dominion of Canada.

House Joint Memorial 12, by Bernard: Memorializing the Congress of the United States to create a Commission whose duties it shall be to classify and segregate all agricultural lands in forest reserves in the United States.

READING OF SENATE BILLS.

S. B. No. 133, a Bill for an Act entitled, "An Act to amend Section 3264 of the Revised Codes of Montana," read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 141, a Bill for an Act entitled, "An Act to amend Section 6364 of the Revised Codes of Montana," read first and second times by title only, and referred to Committee on Judiciary.

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 376, read first and second times by title only, and referred to Committee on House Employees.

H. B. No. 377, read first and second times by title only and referred to Committee on Corporations other than Municipal.

H. B. No. 378, read first and second times at length and referred to Committee on Corporations other than Municipal.

H. B. No. 379, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 380, read first and second times by title only, and refered to Committee on Affairs of Cities.

H. B. No. 381, read first and second times by title only, and referred to Committee on Ways and Means.

H. J. M. No. 11, read first and second times by title only, and referred to Committee on Federal Relations.

H. J. M. No. 12, read first and second times by title only, and referred to Committee on Federal Relations.

MOTIONS AND RESOLUTIONS.

Dobell offered the following motion:

Mr. Speaker:

I hereby move you that on Washington's birthday, February 22nd, being a legal holiday, under the laws of the State, that immediately after the dissolution of the Joint Session of the Assembly at noon, Hon. C. B. Nolan be invited to read to this body Washington's farewell address, and that immediately thereafter the House adjourn until the next day at 10:30 A. M.

Motion carried.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 13, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

House Bill No. 220, introduced by Donohue, was this day read first and second time and referred to Committee on Military Affairs.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 14, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bill No. 166, by Nolan, was this day read first and second time and referred to Committee on Finance and Claims, and Substitute for House No. 213, by Eliel, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations, also House Bill No. 54, by Blackburn, read first and second times and referred to Committee on Judiciary, also House Bill No. 115, by Jordan, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations; House Bill No. 307, by Binnard, read first and second times and referred to Committee on Finance and Claims; and House Bill No. 205, by Bell, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations; also House Bill No. 209, by Byrnes, read first and second times and referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 15, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 209, introduced by Byrnes, being a Bill for an Act entitled, "An Act concerning Tax Sale Certificates to Real Estate," having been read first and second times and referred to Committee on Judiciary, Committee recommend that it be not concurred in, report adopted, and bill is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 15, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 5, by Edwards, having been read three several times and passed is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

P. S. Herewith attached, please find letter from His Excellency the Governor, under date of February 14th, 1911, to Hon. J. E. Edwards in relation to Senate Bill No. 45.

Executive Office, Helena, Montana, February 14, 1911.

Hon. J. E. Edwards,

Senate Chamber,
Helena Montana.

Dear Sir: I have under consideration Senate Bill No. 45 introduced by you, relating to the duties and compensation of clerks of school districts, etc.

Your bill attempts to amend Section 899 of the Revised Codes. You will note in comparing the bill with the Section of the Codes that you have omitted the following words from the Section which you intend to amend: "The duties of the District Clerk shall be as follows:" Your omission of these words from your bill renders it inoperative in my judgment.

I therefore suggest that you have the bill returned to the Senate and amended by the insertion of the words above quoted. A return of the bill can be had by a resolution directed to me requesting its return, and passed by both Senate and House. Upon the receipt of such resolution I will gladly return the bill to the Senate.

When the bill has been received by the Senate a motion should be made, and by unanimous consent it can be so made, to reconsider the action by which Senate Bill No. 45 was passed on the third reading. When the motion for reconsideration is carried the bill is then upon the calendar for third reading. You can thereupon move that the bill be taken from that calendar and re-referred to the general file. Then the Committee of the Whole can insert the amendment referred to and thereupon the bill can be re-referred to the calendar for third reading and passed. It can be thereupon sent to the House and the House can concur in the Senate amendment. By this action the bill will reach me in a condition that, if approved, will render it operative.

I desire to add that I have examined the bill and will gladly approve it if in proper form.

Yours truly,
(Signed:) EDWIN L. NORRIS,
Governor.

THIRD READING OF SENATE BILLS.

S. B. No. 46 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Brady, Burt, Byrnes, Crouch, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, McQuitty, Moore of Silver Bow, Murray, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—59.

Noes—None.

Absent and not voting: Blackburn, Blake, Dobell, Duffy of Silver Bow, Holter, Lissner, Macdonald, Martin, Moore of Valley, O'Flynn,

Schwartz, Stevens, Tolman and Wheeler of Silver Bow—14.

Title agreed to.

S. B. No. 54 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Grubb, Hayes, Herbold, Hewett, Higgins, Holt, Holter, Jacobson, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Story, Swick, Tuttle, Vaughan, Wheeler of Cascade, Williams, Woody and Mr. Speaker—54.

Noes—Gray, Hickey and Johnson of Ravalli—3.

Absent and not voting—Baker, Blackburn, Blake, Brady, Byrnes, Johnson of Lewis and Clark, Lissner, Macdonald, Martin, Rodgers, Slayton, Stevens, Tolman, Whaley, Wheeler of Silver Bow and Word—16.

Title agreed to.

S. B. No. 16 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody and Mr. Speaker—59.

Noes—None.

Absent and not voting—Baker, Blackburn, Blake, Byrnes, Eliel, English, Johnson of Ravalli, Lissner, Macdonald, O'Hern, Stevens, Tolman, Wheeler of Silver Bow and Word—14.

Title agreed to.

S. J. M. No. 4 having been read three several times was concurred in by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Binnard, Brady, Burt, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, McMurry, McNally, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams and Mr. Speaker—47.

Noes——Gray, Law, Macdonald and McQuitty—4.

Absent and not voting—Alley, Berry, Blackburn, Blake, Byrnes, Dobell, Ebert, Eliel, English, Gillis, Grubb, Hewett, Kirschwing, Lissner, Martin, Murray, Paul, Rodgers, Whaley, Wheeler of Silver Bow, Woody and Word—22.

Title agreed to.

S. J. M. No. 6 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Cascade, Williams, Woody and Mr. Speaker —62.

Noes—None.

Absent and not voting—Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Paul, Ralston, Rodgers, Vaughan, Wheeler of Silver Bow and Word—11.

Title agreed to.

The hour of 11:45 o'clock A. M. having arrived the Chief Clerk called the roll and found all members present.

Hewett offered the following motion:

It becomes my painful duty to announce to the House the death of Mrs. Adeline Tuttle, wife of the son of the Hon. S. F. Tuttle, and I move you the House do adjourn this noon until tomorrow as a token of respect, and that a Committee be appointed to draft suitable resolutions.

Motion unanimously adopted, and Mr. Speaker appointed the following Committee:

Hewett, Dobell and Law.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock, noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For G. M. Bourquin—Burlingame—1.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—Everett, Larson, McCone and Sykes—4.

For W. B. George—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—17.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—20.

For T. H. Carter—Bernard, Blake, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter Jordan, Moore of Valley, Murray, Paul, Ralston, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick and Williams—23.

For W. B. George—Law—1.

For W. R. Allen—Bell, Higgins—2.

For C. N. Pray—Burt, Jacobson, Reser and Schwartz—4.

For A. J. Davis—Nelson—1.

For R. Lee Word—Owenhouse—1.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

For G. M. Bourquin—Vaughan—1.

For E. J. Owenhouse—Word—1.

Total—73.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	24
For T. H. Carter	34
For W. G. Conrad	23
For C. N. Pray	8
For G. M. Bourquin	2
For W. B. George	2
For W. R. Allen	2
For T. M. Swindlehurst	1
For A. J. Davis	1
For R. Lee Word	1
For W. F. Meyer	1
For C. B. Nolan	1

For E. J. Owenhouse 1

Total 101

The President thereupon announced no election.

Representative Baker asked permission to present a motion, but objection being raised, this permission was not granted.

On motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Mr. Speaker at this time announced that he was about to sign Senate Bill No. 95, a Bill for an Act entitled, "An Act for preventing the manufacture, sale or transportation of adulterated insecticides and fungicides and for regulating traffic therein and fixing penalties for the violation of this Act," and signed same in the presence of the House.

Eliel from the Special Committee appointed to wait on the Governor reported as follows:

February 15, 1911.

Mr. Speaker:

We, your Committee appointed to wait upon the Governor and convey to him a message from this House, beg leave to report as follows

That we have discharged our duty, having called upon his Excellency, and having assured him that his message was received and will be considered in the spirit in which it was sent by him, namely, from the point of view of the welfare of the people of this State.

We thereupon requested the Governor to make any recommendations concerning the measures referred to in his message, to be embodied in this report. He commends particularly to the attention of this House the Road Law, the bill providing for a Tax Commission; the bill for the reorganization of the State Fair, whereby this institution will be placed under the control of the State Board of Examiners; the Lieu Lands bill, whereby the State will retain possession of forest lands belonging to the school land grants which happen to be included in forest reserves, also the bill pertaining to the State Forester and the bill relating to the prevention and control of forest fires.

Respectfully submitted,

ELIEL, Chairman.

Report adopted.

On motion of Blackburn and pursuant to the motion of Hewett the House adjourned at 1:00 o'clock P. M., to meet to-morrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Forty-Sixth Day.

Thursday, Feb. 16, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Reel the Journal of the Forty-fifth Day as read was approved.

NOTICES OF BILLS.

By O'Flynn: A Bill entitled, "An Act to prohibit any person or persons from divulging the contents of telegraphic and telephonic messages, and providing a penalty therefor."

By Duffy of Silver Bow: A Bill entitled, "An Act regulating the use of motor vehicles, and providing penalties for the violation thereof."

By Rodgers: A Bill for an Act entitled, "An Act appropriating money for the payment of a claim against the State of Montana for loss arising from the slaughtering of diseased animals, under the provisions of Sections 1841 and 1842 of the Revised Codes of Montana of 1907.

By Alley: House Joint Memorial, praying the Congress of the United States to enact a Parcels Post Law.

Lissner from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on enrollment to whom were referred House Bill No. 68, introduced by Duffy of Granite, a Bill for an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint a sheriff deputy, and amending Section 1968, Revised Codes of 1907, relating to the compensation of Deputy Game and Fish Wardens;"

House Bill No. 95, introduced by Hayes, a Bill for an Act entitled, "An Act defining the liability of persons or corporations operating any railroad in this State for injuries received by employes thereof, or in consequence of the death of any such employe by reason of negligence, and to declare void contracts restricting such liability."

House Bill No 99, introduced by Grubb, a Bill for an Act entitled, "An Act to provide for the acquisition of land for the use of County Fair Association, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907."

House Bill No. 181 introduced by McNally, a Bill for an Act entitled, "An Act to provide and fix the salary and compensation of Under Sheriffs in Counties of the first class."

House Bill No. 127, introduced by Macdonald, a Bill for an Act to amend Section 2055 of the Revised Codes of Montana relating to the care and maintenance of the indigent poor, sick and infirm.

House Substitute Bill No. 11, substituting House Bill No. 11, introduced by Committee on Livestock and Public Ranges, An Act providing for the re-recording of every brand or mark upon horses, cattle or other livestock, and regulating the making of such record and fixing the fees therefor, and repealing all acts and parts of acts inconsistent with the provisions of this act, beg leave to report that the same are returned herewith correctly enrolled.

Mr. Speaker at this time announced that he was about to sign House Bill No. 95, a Bill for an Act entitled, "An Act defining the liability of persons or corporations operating any railroad in this State for injuries received by employees thereof, or in consequence of the death of any such employee by reason of negligence and to declare void contracts restricting such liability," and signed same in the presence of the House.

Also House Bill No. 68, an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint a Chief Deputy and defining his powers and duties, and amending Section 1968, Revised Codes of the State of Montana of 1907, relating to the compensation of Deputy State Game and Fish Wardens," and signed same in the presence of the House.

Also House Bill No. 127, a Bill for an Act entitled, "An Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent poor, sick and infirm," and signed same in the presence of the House.

Also House Bill No. 181, a Bill for an Act entitled, "An Act to provide and fix the salary and compensation of Under Sheriffs in Counties of the first class," and signed same in the presence of the House.

Also House Bill No. 99, a Bill for an Act entitled, "An Act to provide for the acquisition of land for the use of County Fair Associations, Agricultural and Horticultural Societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907," and signed same in the presence of the House.

Also Sub. House Biljl No. 11, an Act providing for the recording of every brand or mark upon horses, cattle or livestock, and regulating the making of such record and fixing the fees therefor, and repealing all acts and parts of acts inconsistent with the provisions of this act, and signed same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Whaley from the Committe on Irrigation and Water Rights reported as follows:

Mr. Speaker:

We your Committee on Irrigation and Water Rights to whom was referred House Bill No. 361, entitled, "An Act authorizing the appropriators of water to use the waters of streams already appropriated upon substituting an equal quantity from another source," beg leave

to report same back to the House without recommendation other than that it be printed.

Report adopted.

Also Whaley from the Committee on Irrigation and Water Rights reported as follows:

Mr. Speaker:

We your Committee on Irrigation and Water Rights to whom was referred Senate Bill No. 36, entitled, "An Act amending Sections 4871 and 4872 of the Revised Codes of Montana, 1907, relating to the appropriation of water and providing the manner in which water may be appropriated and the right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines," beg leave to report that after having had the same under consideration recommend that same be concurred in.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

We, your Committee on Federal Relations, to whom was referred House Joint Memorial No. 10, introduced by Tolman, being a Memorial to Congress praying for the enactment of legislation providing for the fencing of the Crow Indian Reservation within the State of Montana, having had same under consideration, respectfully recommend its adoption.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We, your Committee on Federal Relations, to whom was referred Senate Joint Memorial No. 8, introduced by Larson, being a Memorial to Congress of the United States for speedily opening the Blackfoot Reservation for settlement, and all Indian rights adjusted, recommend that it be concurred in.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We, your Committee on Federal Relations, to whom was referred House Joint Memorial No. 11, introduced by McQuitty, being a Memorial to the Congress of the United States, urging the ratification of trade agreements with the Dominion of Canada, having had same under consideration, respectfully recommend its adoption.

Report adopted.

Also McQuitty from the Committee on Federal Relations reported as follows.

Mr. Speaker:

We, your Committee on Federal Relations, to whom was referred House Joint Memorial No. 12, introduced by Bernard, memoralizing the Congress of the United States to create a Commission, whose duties it shell be to classify and segregate all Agricultural Lands in Forest

Resrves in the United States, having had same under consideration, respectfully recommend its adoption.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 380, introduced by Alley, a Bill for an Act entitled, "An Act to regulate the manner and conduct of the business of pawnbrokers within the State of Montana, and providing penalties for the violation thereof," having had said Bill under consideration beg leave to report the same back to the House with the recommendation that the bill be amended as follows:

Amend Section 7, line 16, by striking out the word "or" after the word "business" and inserting in lieu thereof the word "of."

Amend Section 7, line 17, by striking out the word "of" after the word "receipt" and inserting in lieu thereof the word "by."

And that as amended, the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 373, introduced by Bell, a Bill for an Act entitled, "An Act authorizing the City Council of any city of the first or second class to purchase an exposition hall and auditorium, or to purchase its site therefor, and to erect thereon such exposition hall and auditorium; to contract indebtedness therefor on behalf of any such city and to issue bonds for such purpose," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 359, introduced by Woody, a Bill for an Act entitled, "An Act relating to the payment of interest of special improvement district warrants issued in Special Improvement Districts of cities and twons," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred Substitute for Substitute for Senate Bill No. 33, introduced by Ed-

wards, a Bill for an Act entitled, "An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors and regulating the issuance of such licenses, and providing for a revocation of license upon conviction of a penal offense," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill be concurred in.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, a majority of your Committee on Affairs of Cities, to whom was referred Senate Bill No. 98, introduced by Burlingame, a Bill for an Act entitled, "An Act to amend Section 3342 of the Revised Codes for 1907, relative to levy of taxes by municipalities and providing for a tax levied by municipalities of not exceeding two mills of the assessed valuation of taxable property in city or town for maintaining public parks," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill be concurred in.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred Senate Bill No. 55, a Bill for an Act entitled, "An Act changnig and defining the boundaries of Beaverhead and Madison Counties," beg leave to report as follows:

That Section 1 of said bill be amended by striking out all that portion of Section 1 beginning at line 6, after the word "Counties," and ending with he word "Mountains," line 13 of said Section and inserting in lieu thereof the following:

Eighteen (18) miles to a point which when surveyed will be the Northwest Corner Section 3, Township 9 South, Range 7 west; thence East six (6) miles, more or less, to the Northeast Corner Section 4, Township 9 South, Range 6 West; thence South six (6) miles, more or less, to the Northeast Corner Sectilon 4, Township 10 South, Range 6 West; thence East seven (7) miles, more or less, to the Northeast Corner Section 3, Township 10 South, Range 5 West; thence South six (6) miles, more or less, to the Southeast Corner Section 34, Township 10 South, Range 5 West; thence East one (1) mile to the Southeast Corner Section 35, Township 10 South, Range 5 West; thence South six (6) miles, more or less, to a point which when surveyed will be the Southeast Corner Section 35, Township 11 South, Range 5 West; thence East five (5) miles to a point which when surveyed will be the Northeast Corner Section 3, Township 12 South, Range 4 West; thence South three (3) miles to a point which when surveyed will be the Northeast Corner Section 22, Township 12 South, Range 4 West; thence East fourteen (14) miles, more or less, to a point, which when sur-

veyed will be the Northeast Corner Section 24, Township 12 South, Range 2 West; thence South five (5) miles, more or less, to the Northeast Corner Section 13, Township 13 South, Range 2 West; thence East sixteen (16) miles, more or less, on what will be the lines of the legal subdivision of the Public Surveys when surveyed, to the point of intersection with the boundary line between Montana and Idaho at the top of the Divide of the Main Range of the Rocky Mountains.

And that Section 2 of said Bill be amended by striking out all of that portion of Section 2 beginning at line 44, after the word "west" and ending with the word "Mountains" in line 52 of said section, and inserting in lieu thereof the following:

Thence South eighteen (18) miles to a point which when surveyed will be the Northwest Corner of Section 3, Township 9 South, Range 7 West; thence East six (6) miles, more or less, to the Northeast Corner Section 4, Township 9 South, Range 6 West; thence South six (6) miles, more or less, to the Northeast Corner Section 4, Township 10 South, Range 6 West; thence East seven (7) miles, more or less, to the Northeast Corner Section 3, Township 10 South, Range 5 West; thence South six (6) miles, more or less, to the Southeast Corner Section 34, Township 10 South, Range 5 West; thence East one (1) mile to the Southeast Corner Section 35, Township 10 South, Range 5 West; thence South six (6) miles, more or less, to the point which when surveyed will be the Southeast Corner Section 35, Township 11 South, Range 5 West; thence East five (5) miles to a point which when surveyed will be the Northeast Corner Section 3, Township 12 South, Range 4 West; thence South three (3) miles to a point which when surveyed will be the Northeast Corner Section 22, Township 12 South, Range 4 West; thence East fourteen (14) miles, more or less, to a point which when surveyed will be the Northeast Corner Section 24, Township 12 South, Range 2 West; thence South five (5) miles, more or less, to the Northeast Corner Section 13, Township 13 South, Range 2 West; thence East sixteen (16 miles, more or less, on what will be the lines of the legal subdivision of the Public Surveys when surveyed to the point of interestcion with the boundary line between Montana and Idaho at the top of the Divide of the main range of the Rocky Mountains.

And that said bill so amended be concurred in as amended.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

We, your Committee on New Counties and Divisions, having had under consideration Substitute for Senate Bill No. 35, a Bill for an Act entitled, "An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other

counties, and providing penalties for the violation thereof," beg leave to report as follows:

Amend Section 1, line 6, of the Engrossed bill by inserting after the words "Millions" the words "of Dollars."

Amend Section 1, line 10, by striking out the word "ten" and inserting the word "eighteen."

Amend Section 1, lines 27 and 28, by striking out the words "from which such County or Counties."

Amend Section 2, line 39, by inserting after the word "Counties" the following: "And such board of county commissioners shall be empowered and have the jurisdiction to do and perform all acts provided for to be done or performed in this act, for each of the several counties from which any proposed territory is to be taken, and shall direct that a certified copy of all orders and proceedings had before such board of County Commissioners shall be certified by the County Clerk to the Board of County Commissioners of each of the several counties from which any territory is taken by the proposed new county and all officers of any such county from which any territory is taken by the proposed new county shall comply with the orders of the Board of County Commissioners in the same manner, as if said order had been duly made by the Board of County Commissioners of each respective county from which territory is proposed to be taken."

Amend Section 2, line 57, by striking out the word "ten" and inserting the word "eighteen."

Amend Section 2, line 149, by striking out the word "ten" and inserting the word "eighteen."

Amend Section 2, line 169, by striking out the word "thereof" and inserting in lieu thereof the words "of the said proposed new county and of the old county from which such territory is proposed to be taken."

Amend Section 2, in line 174, by inserting after the word "boundaries" the following: "Provided that any changes made by said Board shall not reduce the said valuation of the proposed new county to less than the assessed valuation of four millions of dollars and shall not leave the territory so excluded, separate and apart and without the county which it was formerly a part."

Amend Section 3, line 183, by inserting after the word "reduce" the words "Any County from which any territory is taken to an assessed valuation of less than five millions of dollars nor."

Amend Section 3, line 222, by striking out the words "been such resident qualified electors," and inserting in lieu thereof the following: "resided within the limits of the proposed county for a period of more than six months next preceding the day of election."

Amend Section 3, line 223, by inserting after the word "election" the following: "Or who are entitled to be registered for said special election under the provisions of this act."

Amend Section 3 by striking out all of line 252 after the word "provided" and all of lines 253, 254, 255, 256, 257 and 258 and insert-

ing in lieu thereof the following: "There shall also be printed upon said ballots the words "for the county seat" and the names of all cities or towns which may have filed with the County Clerk a petition signed by at least twenty-five qualified electors, nominating any city or town within the proposed new county for the county seat, and the voter shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot. At a special election to be held, as provided in this Act, the question of the election of the county seat is hereby provided to be submitted to the qualified electors of the proposed new county, and the majority of all the votes cast therefor shall determine the election thereon. In case any city or town fails to receive a majority of all the votes cast, then the city or town receiving the highest number of all votes cast, shall be designated as the temporary county seat, and in case any city or town is not the choice of the election for the county seat by a majority of all votes cast, the question of choice between the two places, for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors at the next general election thereafter. When the county seat shall have been selected as herein provided, it shall not thereafter be changed except in the manner provided by law."

Amend Section 3, line 295, by striking out the word "no."

And as so amended, recommend that the bill be concurred in.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having had under consideration House Bill No. 233, introduced by Paul, being a Bill for an Act entitled, "An Act to provide for the alteration of the boundaries of incorporated towns and cities, by annexation of uninhabited territory thereto and for the incorporation of such annexed territory in and as a part of such municipality and for districting, government and municipal control of the annexed territory," hereby return said bill to the House with the recommendation that it do not pass.

Report adopted.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 353, beg leave to report same as correctly printed.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Higgins, H. B. No. 382: A Bill for an Act entitled, "An Act to amend Sections 3418 and 3419 of the Revised Codes of Montana of 1907, relating to the issuance of warrants and bonds for the payment of improvements in special improvement districts by extending the time for which such warrants and bonds may be issued."

By Grubb, H. B. No. 383: A Bill for an Act entitled, "An Act to amend Section 6714 of the Revised Codes of Montana, relating to dismissal of action."

By Gillis, H. B. No. 384: An Act entitled, "An act to amend Section 3847 of the Revised Statutes of Montana, 1907, relating to the place of holding meetings of stockholders and board of directors of corporations."

By Alley, H. B. No. 385: An Act entitled, "An Act to amend Section 3291 of the Revised Statutes of Montana, 1907, relating to the granting of franchises by cities and towns."

By O'Flynn, H. B. No. 386: A Bill for an Act entitled, "An Act to amend Section 6758 of the Revised Statutes of Montana, 1907, relating to the rendering of General or Special Verdicts."

By Gillis, H. B. No. 387: A Bill for an Act entitled, "An Act to regulate the business of junk dealers, and providing penalties for the violation thereof."

By Rodgers, H. B. No. 388: A Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 6, of Article XVI of the Constitution of the State of Montana, relating to officers, their election or appointment, and their term of office, other than officers named in the Constitution."

By Bell, H. B. No. 389: A Bill for an Act entitled, "An Act to amend Section 3216 of the Revised Codes of Montana of 1907, relating to officers of cities of the first class, and prescribing certain qualification for Police Judges in such cties."

By Blackburn, H. B. No. 390: A Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana."

By Committee on Ways and Means, H. B. No. 391: A Bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana, for the years 1911 and 1912."

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 382, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 383, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 384, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 385, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 386, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 387, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 388, read first and second times by title only, and re-

ferred to Committee on State Boards and Officers.

H. B. No. 389, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 390, read first and second times and length, and referred to Committee on Mileage and Per Diem.

H. B. No. 391, read first and second times by title only, and referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 15th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honoroble Body that Substitute for House Bill No. 22, introduced by Committee on Affairs of Cities, having been read three several times and concurred in is herewith returned; also

Senate Bill 155, introduced by Cockrell, and Senate Bill No. 143, introduced by Christopher, having been read three several times and passed are herewith transmitted for your concurrence; and

Senate Bill No. 151, introduced by Committee on Stock Growing and Grazing having been considered engrossed, read three several times and passed, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 15th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 51, introduced by Donlan, having been read three several times and passed, considered engrossed, and is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 15th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Senate Bill No. 95, and same was signed in open Session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 15th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, without having given previous notice:

By Donlan: A Bill for an Act entitled, "An Act for the changing of names of any natural stream, water course, spring, dry coulee,

creek, river, lake and other natural source of water supply, which lies wholly within the limits of one county."

By Whiteside: A Bill for an Act entitled, "An Act regulating the leasing of lands which are, or may be, owned by the State of Montana, lying between low and high water mark of any navigable lake within the State of Montana, and forbidding the sale or leasing thereof."

By Whiteside: A Bill for an Act entitled, "An Act prohibiting any person, copartnership or corporation from obstructing the waters of any navigable lake within the State of Montana, to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floated in and upon such navigable lake, and providing punishments for the violation of this Act."

By Dearborn: A Bill for an Act entitled, "An Act relating to Commercial Banking Business and Banking Business of Discount and Deposit when conducted by individuals or partnerships or unincorporated associations."

By Edwards: A Bill for an Act entitled, "An Act validating the organization and incorporation of the Yellowstone Irrigation Districts in the County of Rosebud and the Corporate Acts of the said District and providing for the issue and sale of the bonds thereof."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 15th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notice of the introduction of a Joint Memorial was this day given:

Senate Joint Memorial, by Burlingame: A Senate Joint Memorial, relating to the disposition of coal lands by the United States.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena Montana, February 15th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorably Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 177, by Donlan: A Bill for an Act entitled, "An Act for the changing of names of any natural stream, water course, spring, dry coulee, creek, river, lake, and other natural source of water supply, which lies wholly within the limits of one county." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Bill No. 178, by Whiteside: A Bill for an Act entitled, 'An Act regulating the leasing of lands which are, or may be, owned by the State of Montana, lying between low and high water mark of any navigable lake within the State of Montana, and forbidding the sale or leasing thereof." Referred to Committee on Public Lands.

Senate Bill No. 179, by Whiteside: A Bill for an Act entitled, "An Act prohibiting any person, copartnership or corporation from obstructing the waters of any navigable lake within the State of Montana, to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floated in and upon such navigable lake, and providing punishments for the violation of this Act." Referred to Committee on Public Lands.

Senate Bill No. 180, by Dearborn: A Bill for an Act entitled, "An Act regulating commercial banking business and banking business of discount and deposit when conducted by individuals or partnerships or unincorporated associations." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 181, by Edwards: A Bill for an Act entitled, "An Act validating the organization and incorporation of the Yellowstone Irrigation District in the County of Rosebud, and the corporate Acts of the said district, and providing for the issue and sale of the bonds thereof." Referred to Committee on Corporations other than Municipal.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 15th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 7, introduced by Vaughan, was this day read first and second times and referred to Committee on Federal Relations; also House Bill No. 203, introduced by Grubb, was this day read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 15, a Bill for an Act entitled, 'An Act to amend Section 4240 of the Revised Codes of Montana of 1907, relating to the powers of cemetery associations and extending thereto the right of Eminent Domain," read first and second times by title only, and referred to Committee on Townships and Counties.

S. B. No. 143, a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana of an amendemnt to Section 26 of Article V of the Constitution relating to prohibitions against the legislative assembly passing local or special laws in certain enumerated cases," read first and second times by title only, and referred to the Committee on Judiciary.

S. B. No. 151, a Bill for an Act entitled, 'An Act appropriating money to pay fees and expenses of a Special Prosecutor and a Special Accountant employed to investigate the affairs of the State Board of Stock Commissioners and to prosecute all actions arising out of such

investigation," read first and second times at length, and referred to Committee on Appropriations.

S. B. No. 51, a Bill for an Act entitled, "An Act providing for the location, establishment, management and conduct of the Montana State Fair, and repealing Chapter VIII, of Part III, Title V, of the Revised Codes of 1907," read first and second times by title only, and referred to Committee on Fairs and Expositions.

READING SENATE JOINT RESOLUTIONS.

S. J. R. No. 5, recalling Senate Bill No. 4 from the Governor for correction of title, read at length and concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Macdonald, McMurry, Moore of Silver Bow, Moore of Valley, Murray, Nolan, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Whaley, Williams, Woody, Word and Mr. Speaker—55.

Noes—None.

Absent and not voting—Blake, Duffy of Silver Bow, English, Gray, Higgins, Kammerer, Lissner, McNally, McQuitty, Martin, Nelson, O'Flynn, O'Hern, Owenhouse, Stevens, Tuttle, Wheeler of Silver Bow and Wheeler of Cascade—18.

Title agreed to.

On motion of Berry the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Berry in the chair.

House resumed.

Mr. Speaker in the chair.

Berry from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Sub. Senate Bill No. 59, a Bill for an Act entitled, "An Act to amend Section LXXXV of Chapter 147 of the Session Laws of 1909 of the State of Montana, relative to the refunding of money paid by mistake to the State Board of Land Commissioners on account of sales and leases of State Lands and providing for the correction of contracts erroneously made or entered into by said Board," having had same under consideration beg leave to report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 1, a Bill for an Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number of members thereof, report same back to the House with the recom-

mendation that it report progress and sit again.

Report of the Committee of the Whole adopted.

The hour of 11:45 A. M. having arrived, the Chief Clerk called the roll and found all members present.

Lissner from the Committee on Enrollment reported as follows:
Mr. Speaker:

Your Committee on Enrollment desire to report that we transmitted to the Governor at 10:50 o'clock this morning, House Bills Nos. 68, 11, 127, 95, 181 and 99.

Macdonald moved that when the House adjourn this afternoon it adjourn to meeet at 7:30 o'clock this evening.

Motion prevailed.

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:
Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 93, introduced by Gallwey, being a Bill for an Act entitled, "An Act providing for a Juvenile Court Procedure, providing for the appointment of probation officers, outlining their duties and specifying their compensation, defining juvenile delinquent persons and a delinquent child, providing a lawful method of procedure against juvenile delinquents, their parents and guardians, specifying places for their temporary and permanent detention and the compensation for their care, providing for time and place of trial, providing methods and means to carry the provisions of this act into effect. Repealing Sections 9423 to 9439 inclusive, of the Revised Codes of the State of Montana of 1907," report same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:
Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 232, introduced by Bell, being a Bill for an Act entitled, "An Act providing for the investment in bonds or warrants of any or all moneys in any sinking fund of any town, city or county within the State of Montana," report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:
Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 314, introduced by Bell, being a Bill for an Act entitled, "An Act to require publication of a list of all licenses issued by the County Treasurer quarterly and providing penalties for the violation thereof,"

report the same back to the House and recommend that it do not pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 113, introduced by Christopher, being a Bill for an Act entitled, "An Act to legalize all warrants of counties issued and all bonds of counties issued or sold for the purpose of paying for the construction of public highways and public highway bridges," report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 108, introduced by Higgins, being a Bill of an Act entitled, "An Act to provide for an additional Judge for the Fourth Judicial District of the State of Montana, so that there will hereafter be three judges in said District," report the same back to the House and recommend that the same do pass.

Report adopted.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except those paired.

The President finding a quorum of both bodies present, announced that pursuant to Section XV Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffley and Whiteside—4.

For W. R. Allen—Burlingame—1.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—Everett, Larson, McCone and Sykes—4.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—17.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Wheeler of Cascade and Mr. Speaker—20.

For T. H. Carter—Bernard, Blake, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jordan, Moore of Valley, Murray, Paul, Ralston, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Swick and Williams—21.

For W. R. Allen—Bell, Higgins and Vaughan—3.

For C. N. Pray—Burt, Jacobson, Reser and Schwartz—4.

For Chas. Bostram—English—1.

For R. Lee Word—Owenhouse—1.

For G. H. Grubb—Tolman—1.

For E. J. Owenhouse—Word—1.

Total—69.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	24
For T. H. Carter	32
For W. G. Conrad	24
For C. N. Pray	8
For W. R. Allen	4
For T. M. Swindlehurst	1
For Chas. Bostram	1
For R. Lee Word	1
For G. H. Grubb	1
For E. J. Owenhouse	1
Total	97
Paired:	
Tuttle-Eliel,	
Reel-Nelson	4
Grand total	101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Story the House took a recess at 12:30 o'clock P. M.

to meet at 2:00 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 16th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second times and referred:

Senate Bill No. 182, by Dunnigan: A Bill for an Act entitled, "An Act relating to the catching of trout and grayling and returning those of certain sizes to the public waters from which they are taken, and providing penalties for violation thereof." Referred to Committee on Fish and Game.

Senate Bill No. 183, by Leary: A Bill for an Act entitled, "An Act to provide for the preservation of the forests and timber lands of and in the State of Montana, for the creation of the offices of Fire Wardens and Deputy Fire Wardens and their compensation, the manner of their appointment, and term of office and for the carrying into effect of the provisions of this Act; defining the duties and powers of said officers and other officers in connection with this Act; prescribing the duties of persons, firms and corporations under this Act and providing for the violations of the provisions thereof, and repealing Sections XI, XII, XIII, XIV and XV, Chapter 147, the Laws of the Eleventh Legislative Assembly." Referred to Committee on Public Lands.

Senate Joint Memorial No. 10, by Burlingame: Relating to the disposition of Coal Lands by the United States. Referred to Committee on Federal Relations.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

On motion of Berry, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Berry in the chair.

House resumed.

Speaker pro tem in the chair.

Berry of the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 1, a Bill for an Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to fix the number of members thereof, having had same under

consideration beg leave to report same back to the House with the recommendation that it be concurred in as received from the Senate.

Also having had under consideration Senate Bill No. 118, a Bill for an Act entitled, "An Act prescribing the time within which every person, association, company or corporation, engaged in purchasing, smelting, milling, or otherwise preparing ores, minerals or metals for market, for others shall settle with and pay to the consignors thereof the amounts due thereon, and prescribing penalties for the violation of this Act," report same back to theHouse with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 83, a Bill for an Act entitled, "An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana relative to registration of births and deaths, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 91, a Bill for an Act entitled, "An Act to provide for procuring public records, the distribution of debts and assets, and pertaining to the collection of taxes on annexing territory to counties and municipalties, detached from other counties and municipalities," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 111, an Act entitled, "An Act changing and defining the boundaries of Sanders County, and changing the boundaries of Missoula County to conform thereto," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 106, a Bill for an Act entitled, "An Act to pay the increase of salary of the Second Assistant State Examiner as provided for by appropriation," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration House Bill No. 128, a Bill for an Act entitled, "An Act to amend Section 1502 Revised Codes of Montana, 1907, relating to reporting of communicable diseases," report same back to the House with the recommendation that it do pass as amended by the Standing Committee.

Also having had under consideration House Bill No. 129, a Bill for an Act entitled, "An Act authorizing the Governor to appoint an Education Commission for the purpose of amending, revising and collating the laws touching upon the public schools of the State and for the further purpose of suggesting new legislation for the welfare of the said schools, and an appropriation to meet the expenses of said Commission," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 66, a Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana, relating to investment of capital of insurance companies, report same back to the House with the recommendation that it do

pass as amended.

Also having had under consideration House Bill No. 211, a Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of County Clerks," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 178, an Act entitled, an Act to amend Section 1587 of the Revised Codes of the State of Montana, relating to the practice of medicine, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 190, a Bill for an Act entitled, "An Act relating to, and regulating the sale of coal, within the State of Montana, requiring all persons, associations, or corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violation of this act," report same back to the House with the recommendation that it do pass as amended.

Report of the Committee of the Whole adopted.

Jacobson moved a reconsideration of the vote by which it was decided to hold an evening session at 7:30 o'clock P. M.

Baker moved as a substitute motion to recess until 7:30 o'clock P. M. Substitute motion lost.

On motion of O'Hern the House adjourned at 5:10 o'clock P. M. to meet tomorrow at 10:30 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Forty-Seventh Day.

Friday, February 17, 1911.

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Moore of Valley.

On motion of Reel the Journal of the Forty-sixth day as read was approved.

COMMUNICATIONS AND PETITIONS.

Omaha, Feb. 14, 1911.

Hon. Speaker House of Representatives,

Helena, Montana.

Your Excellency:

The first Western Land Products Exhibits, (commonly called the Omaha Land Show), held in Omaha in January, was a great success. The purpose for which this exposition was held viz:

To show the people of the Middle West the opportunities offered

in the Newer West, and to turn the tide of immigration which has been going into Canada, and to the South. Consequently exhibits were confined to those from the States of California, Colorado, Idaho, Montana, Nevada, Nebraska, Utah, Oregon, Washington and Wyoming.

Both because of its success and in order to carry out the purposes for which it was organized, it is imperative that this exposition should be made an annual event. The next annual exposition will be held in Omaha from October 16th to October 28th, 1911.

In order to give the states above named the greatest possible opportunity to tell those who attend the exposition of their resources and opportunities, special state days have been set aside that your state may be apporpriately represented and that it may obtain the benefit of the wide and effective publicity we respectfully urge that your State Legislature by resolution name Monday, October 23rd, as Montana Day at the Omaha Land Show, and instruct your Governor to appoint a committee to arrange a suitable programme of exercises to fittingly celebrate that day.

If this is done, the Land Show management will be pleased to set aside this day as Montana Day and arrange to give it the importance it deserves, both through publicity and through the assistance of the exposition management.

Respectfully,

(Signed) C. C. ROSEWATER,
Omaha Land Show.

This communication was referred to the Committee on Fairs and Expositions.

NOTICES AND BILLS.

By Baker: A Bill for an Act entitled, "An Act to amend Sections 9728 and 9729 of the Revised Codes of the State of Montana, 1907, relating to labor and employment of convicts.

By Brady: A Bill for an Act entitled, "An Act requiring all persons and corporations operating passenger cars by electricty to employ on each car or set or cars, one motorman and one conductor in the operation of such car or set of cars."

By Stevens: A Bill for an Act entitled, "An Act to provide for the appointment of an inspector of elevators and mining cages; to fix his compensation, and defining his duties."

By Gray: A Bill of an Act entitled, "An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from State Timber Lands."

By Story: A Bill for an Act entitled, "An Act to amend Section 1713, 1714 and 1715 of the Revised Codes of 1907, of the State of Montana, relating to the duties of the Inspector of Mines."

By Story: A Bill for an Act entitled, "An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigating Committee and authorizing the payment of the same."

By Kirschwing: A Bill for an Act entitled, "An Act to amend

Section 3191 of the Revised Codes of Montana of 1907, relating to fees of interpreters."

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 121, 243, 323, 250, 325, 351, 352 and 356, beg leave to report same as correctly printed.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 341, introduced by Jacobson, being a Bill for an Act entitled, "An Act to amend Section 8689 of the Revised Codes of Montana of 1907, relating to the removal of mortgaged property," report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 367, introduced by Binnard, being a Bill for an Act entitled, "An Act to amend Section 7174 of the Revised Codes of Montana of 1907, relating to the furnishing of cost bonds by non-residents and foreign corporations," report the same back to the House and recommend that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 360, introduced by Whaley, being a Bill for an Act entitled, "An Act relating to Associations, companies and corporations transacting business similar to building and loan associations, and providing for the regulation and control of such corporations, companies or associations in the manner prescribed for the regulation and control of building and loan associations," report the same back to the House and recommend that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 379, introduced by Bell, being a Bill for an Act entitled, "An Act to prevent the sale of mortgaged property, or its removal from the County in which it is situated, without the written consent of the mortgagee, and providing a penalty therefor," report the same back

to the House and recommend that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 342, introduced by Murray, being a Bill for an Act entitled, "An Act in relation to the taking of depositions, designating those whose depositions may be taken, and creating a section to be known as Section 8001a of the Revised Codes of Montana of 1907, in relation to same," report the same back to the House and recommend that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 369, introduced by Nolan, being a Bill for an Act entitled, "An Act to amend Section 8336 of the Revised Codes of Montana of 1907, defining the crime of rape," report the same back to the House and recommend that it do not pass.

Report adopted.

Also Duffy of Granite from the Committee on House Employees reported as follows:

Mr. Speaker:

We, your Committee on House Employees, having had under consideration House Bill No. 376, introduced by Paul, being a Bill for an Act entitled, "An Act to pay employees of the Senate and House, as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code, State of Montana," recommend that the same do pass.

Report adopted.

Also Johnson of Ravalli from the Committee on Agriculture, reported as follows:

Mr. Speaker:

Your Committee on Agriculture, to whom was referred House Bill No. 179, introduced by Story, being entitled, "An Act to secure for threshermen a lien upon grain and other crops threshed by them, and to provide for the filing and foreclosing of the same in like manner as other mechanics' liens are now filed and foreclosed," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration House Bill No. 295, introduced by Nolan, being a "Bill

for an Act to amend Section 2077 of the Revised Codes relating to officers, by-laws and exempt firemen of fire companies, in unincorporated cities and towns, and to provide for the election by the taxpayers of fire districts in unincorporated towns, of a board of directors, and defining the powers and duties of such board, and to amend Section 2081 of the Revised Codes relating to the levy of taxes upon property within fire districts in unincorporated cities and towns," report the same back to the House with the recommendation that it do pass.

Report adopted.

Mr. Speaker at this time announced that he was about to sign H. B. No. 96, a Bill for an Act entitled, "An Act to create and establish a law school at Missoula, to be conducted and operated as a department of the University of Montana, to provide a name and to make an appropriation therefor," and signed same in the presence of the House.

The Committee on Navigation and Waterways was excused from attendance in the House.

Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties having had under consideration Senate Bill No. 155, introduced by Christopher, being a Bill for an Act entitled, "An Act to amend Section 4240 of the Revised Codes of Montana of 1907, relating to the powers of Cemetery Associations and extending thereto the right of eminent domain," report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having had under consideration House Bill No. 372, introduced by Holter, being a Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 119, introduced by Joint Committee appointed pursuant to Senate Joint Resolution No. 2, for the purpose of investigating and reporting with respect to the advisability of the State making provision for the care of its insane, being a Bill for an Act entitled, "An Act to appropriate money to be applied by the State in the purchase of the property of Mitchell &

Musigbrod, located in Deer Lodge County, Montana, to enable the State to at once take over such property, and use the same for the care of the indigent insane, and others in need of hospital attention and treatment, in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2, and authorizing the State Board of Examiners to apply surplus moneys in the general treasury on the purchase of said property," recommend that the same be not concurred in.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds having had under consideration Senate Bill No. 145, introduced by Donlan, being a bill for an Act entitled, "An Act providing for an appraisal commission to investigate and report with respect to the reasonable value of the property of the copartnership of Mitchell & Musigbrod, located in Deer Lodge County, the purchase of which has been recommended by joint committee; providing for the acceptance of the terms of this act and for arbitration in order to reach agreement respecting the value of the property and prescribing the duties of the State Board of Examiners in the premises," have amended the same by striking out of the same in Section 6, the following sentence: "provided, however, that before any such persons are employed the approval of the State Board of Examiners shall first be had," the same being the concluding sentence of said section. Add to Section 13, the following: "nor until the purchase of the property at the price agreed upon shall be ratified by the people at the polls," and as amended, recommend that it be concurred in.

Nolan moved the adoption of the report.

Wheeler asked that this report be laid over until 2:00 P. M.

Pursuant to this request, Nolan moved as a substitute motion that this report be laid over until 2:00 P. M. Substitute motion prevailed.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 274, introduced by Joint Committee appointed pursuant to Senate Joint Resolution No. 2, for the purpose of investigating and reporting with respect to the advisability of the State making provision for the care of its insane, being a Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of the constitutional limit and to provide for the issuance of bonds in the name of the State for the purchase of the property of Mitchell & Musigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the State's indigent insane, and others in need of hospital attention and

treatment, all in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2," have amended same as follows:

In Section 1, lines 3 and 4, strike out the words and figures "Five Hundred Thousand ($500,000.00) Dollars," and insert in lieu thereof "Six Hundred and Fifty Thousand ($650,000.00) Dollars."

Amend line 9, Section 1 by striking out the words and figures "Five Hundred Thousand ($500,000.00) Dollars," and inserting in lieu thereof "Six Houndred and Fifty ($650,000.00) Dollars if the same be needed."

Amend Section 1, line 11 by striking out of said line the words "of the balance."

Amend Section 7 by striking out the section as it now reads, and substituting in lieu thereof the following to be numbered "Section 7."

"Section 7. When the purchase price of the property belonging to said Mitchell & Musigbrod so to be acquired is fixed through arbitration, as provided for, it shall be the duty of the Governor to cause the question of its purchase at the price designated, to be submitted to the electors at the next ensuing general election, the ballots expressly designating such price, and upon receiving a majority of all the votes cast for and against its purchase at such election it shall be declared approved. Each County Clerk in this State shall have separate ballots printed and furnished to each precinct in his county in the same manner as regular ballots, to be used by the electors to vote upon the question herein submitted to them for approval. Said separate ballots shall be in conformity with the provisions of the general election laws of this State, and shall have printed thereon the following:

"For the law authorizing a State Bond issue of Dollars for the purchase of property of Mitchell & Musigbrod, to be used by the State for the care of its indigent insane and others needing hospital attention and treatment."

"Against the law authorizing a State Bond issue of Dollars for the purchase of property of Mitchell & Musigbrod, to be used by the State for the care of its indigent insane and others needing hospital attention and treatment."

The elector shall vote said ballot by making an "X" in the square in front of the proposition he desires to vote upon, and as thus amended, they recommend that it do pass.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 343, introduced by Story, being a Bill for an Act entitled, "A Bill to appropriate money to pay the expenses of the members of the Twelfth Legislative Assembly and Committees thereof, in investigating the condition and value of the

property of Mitchell & Musigbrod, used in the care of the insane of the State of Montana," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Gorunds, having had under consideration House Bill No. 364, introduced by Jordan, being a Bill for an Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the regulations of the State Board of Health in respect to the lighting, heating and ventailating of public buildings," report the same back to the House with the recommendation that it do pass.

Report adoptel.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Gorunds having had under consideration House Bill No. 374, introduced by Bell, the same being a Bill for an Act entitled, "An Act to provide for the establishment of a Board of Architectural Examiners, and providing certain requirements and qualifications for the practice of Architecture in the State of Montana," report that they have amended Section 6, line 27, by substituting the word "Twenty" for "Two" and substituting for the figures "$2,000.00" the figures "20,000.00" and as thus amended, they recommend that the same do pass.

Report adopted.

Also Nolan from the Committee on State Institutions, Public Buildings and Grounds reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 371, introduced by Blackburn, being a Bill for an Act entitled, "An Act to create and establish the office of Legislative Draftsman and prescribing his duties," beg leave to report that they have amended Section 2, line 2, by striking out from said line the words "trustees of the State Library," and substituting in lieu thereof the word "Governor" and as amended, recommend that it do pass.

Report adopted.

Also Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We your Committee on Agriculture to whom was referred House Bill No. 318, introduced by Asbridge, being entitled, "An Act to create a lien upon grain for threshing the same, and to provide for the foreclosure thereof," report the same back to the House with the recommendation that it do not pass.

Also Asbridge and Murray from the Committee on Agriculture reported as follows:

Mr. Speaker:

We your Committee on Agriculture to whom was referred House Bill No. 318, introduced by Asbridge, being entitled, "An Act to create a lien upon grain for threshing the same and to provide for the foreclosure thereof," report the same back to the House with the recommendation that it do pass.

Johnson of Ravalli moved the adoption of the Majority report of the Committee.

Asbridge moved the adoption of the Minority report of the Committee.

Herbold moved as a substitute motion that the Minority report of the Committee on Agriculture be laid on the table.

Motion prevailed.

Also Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We your Committee on Agriculture to whom was referred House Bill No. 321, introduced by Asbridge, being entitled, "An Act to protect farm laborers and plowmen, giving them liens on crops as security for their wages, and providing for the foreclosure of the same," report the same back to the House with the recommendation that it do not pass.

Also Asbridge from the Committee on Agriculture reported as follows:

Mr. Speaker:

We your Committee on Agriculture, to whom was referred House Bill No. 321, introduced by Asbridge, being entitled, "An Act to protect farm laborers and plowmen, giving them liens on crops as security for their wages, and providing for the foreclosure of the same," report the same back to the House with the recommendation that it do pass.

Johnson of Ravalli moved the adoption of the Majority report.

Asbridge moved the adoption of the Minority report.

Herbold moved as a substitute motion that the Minority report of the Committee on Agriculture be laid on the table.

Motion prevailed.

Also Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We, your Committee on Agriculture to whom was referred House Bill No. 358, introduced by O'Hern, being entitled, "An Act providing for the establishment of a State Board of Poultry Husbandry, prescribing the duties of such Board, and appropriating money therefor," report the same back to the House with the following amendment:

Amend Section 4 by inserting after the words "which sum shall be used for," the words, "the payment of the salary of the Secretary of said Board," and as amended recommend that it do pass, and further,

request that the bill be referred to the Appropriation Committee.

Report adopted.

Also Kirschwing from the Committee on Mileage and Per Diem reported as follows:

Mr. Speaker:

We, your Committee on Mileage and Per Diem to whom was referred House Bill No. 390, introduced by Blackburn, being a Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislaaive Assembly of the State of Montana, " beg leave to recommend that it do pass.

Report adopted.

Also Kirschwing from the Committee on Mileage and Per Diem reported as follows:

Mr. Speaker:

We, your Committee on Mileage and Per Diem to whom was referred House Bill No. 294, introduced by Reel, being a Bill for "An Act to amend Sections 3178 and 3180 of the Revised Codes of Montana, 1907, relating to the per diem and mileage of jurors in Courts of Record," beg leave to recommend it do pass.

Report adopted.

Also Word from the Committee on Ways and Means reported as follows:

Mr. Speaker:

Your Committe on Ways and Means, to whom was referred House Bill No. 391, being a bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana, for the years 1911 and 1912," beg leave to report said Bill back to the House with the recommendation that the same do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 319, introduced by Byrnes, being a Bill for an Act entitled, "An Act providing for the issuance of permits by the State Game and Fish Waden or Deputy State Game and Fish Wardens, to persons desiring to trap, take, kill or capture bears, mountain lions, wild cats, lynx, mink, otters, fishers, musk rats, martens, wolves, coyotes, foxes, skunks, and other non protected fur bearing animals, and prohibiting the shipment of pelts of any of said animals from the State of Montana until the same have been duly inspected by the State Game and Fish Warden or Deputy State Game and Fish Warden, and certificate of inspection issued by said inspecting officer which is to be presented by consignor to transportation company or common carrier at time of shipment of pelts, and providing penalties for violation of the provisions of this Act," report the same back to the House with the rec-

ommendation that it do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reproted as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 346, introduced by Word, being a Bill for an Act entitled, "An Act to amend Section 8797 of the Revised Codes of 1907 of the State of Montana relating to the protection of fish and prohibiting the depositing of saw dust in streams, lakes, and ponds and prescribing a penalty for the violation of this Act," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reproted as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred Sub. Bill for House Bill No. 192, introduced by Story, being a Bill for an Act entitled, "An Act to pay an additional bounty of Ten ($10.00) Dollars on each Mountain Lion killed in Montana and providing that the same shall be paid from the Fish and Game Fund, after due notice has been given by the person claiming the bounty to the State Game and Fish Warden, and prescribing the duties of the State Game Warden in connection therewith," report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 363, introduced by Vaughan, being a bill for an Act entitled, "An Act to forbid fishing for Grayling and certain varieties of Trout at or within certain distances of dams, fish ladders or State Spawning Stations and fixing the punishment for so doing," report same back to the House with the recommendation that it do pass.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reproted as follows:

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 335 introduced by Paul, being a Bill for an Act entitled, "An Act to amend Sections 8782 and 8784 of the Revised Codes of Montana of 1907, as amended by Chapter 81, Session Laws of the Eleventh Legislative Assembly, relating to the open season for killing game," report same back to the House with the recommendation that it do not pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 328, by Committee on Highways, a Bill for an Act to enact a General Highway Law, with an appropriation to carry its provisions out; providing for the classification and permanent improvement of the public highways and for the granting of County and State aid in certain cases, including the employment of prison labor therein creating a State Highway Board and the office of State Highway Commissioner, and repealing Sections 1337, 1338, 1340, 1341, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and also repealing that certain act approved March 11, 1909, entitled, "An Act to provide for the permanent improvement of Main Highways by extension of County Aid for such purpose, to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefitted thereby, for the payment of a part of the cost thereof," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 251, by Moore of Valley, a Bill for an Act entitled, "An Act to establish a sub-experimental station in Valley county, Montana, and providing for the acquisition of land for the same and the direction thereof, and appropriating money therefor," having had said Bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass, and recommend that Professor Lindfield be requested to establish a sub-experimental farm in Valley County.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Substitute Bill No. 116, by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act to establish a State Laboratory at the Montana Agricultural Experiment Station; and to define the aim and scope of the work to be performed; and providing for the administration; and to make appropriation for the establishment and maintenance thereof," having had said bill under consideration, beg leave

to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 317, by McNally, a Bill for an Act entitled, "An Act to appropriate money for the establishment of the State Hospital to be known as the "Montana State Tuberculosis Sanitorium" for the treatment of Tuberculosis and Miner's Consumption, and also for the maintenance of said Sanitorium when established," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed, for the reason that th appropriation called for in this bill is taken care of in House Bill No. 310.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 140, by Johnson of Ravalli, a Bill for an Act entitled, "An Act appropriating money for the erection of farm buildings and providing improvements and equipment at the Horticultural Experiment Sub-station in Ravalli County," having had said bill under consideration beg leave to report back to the House that this Bill be indefinitely postponed, for the reason that the appropriation covered in this bill is included in the general appropriation bill.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 75, introduced by Johnson of Lewis and Clark, a Bill for an Act entitled, "An Act to appropriate moneys for the payment of outstanding bounty certificates," having had said bill under consideration beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 23 by Whiteside, a Bill for an Act entitled, "An Act to provide for the construction of a Biological Station for the use of the Montana State University in Flathead County, Montana, and to appropriate money therefor, having had said bill under consideration,

beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 182, by Kammerer, a Bill for an Act entitled, "An Act appropriating money for the maintenance of the State Orphans Home at Twin Bridges, Montana, for the years 1911 and 1912, and for the erection of permanent improvements at said institution," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass, for the reason that this appropriation is included in the General Appropriation Bill.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 176 by O'Hern, a Bill for an Act entitled, "An Act to appropriate money for the payment of the expenses incurred by the Commissioner of the Bureau of Agriculture, Labor, and Industry in complying with the provisions of Chapter 70 of the Laws of Montana of 1909, and Acts amendatory thereof," having had said Bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass, as this item has been included in the general appropriation bill.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 310, introduced by McNally, a Bill for an Act entitled, "An Act to establish a State Hospital to be known as the "Montana State Tuberculosis Sanitorium" in some suitable location in the State of Montana, for the treatment of Tuberculosis and also what is commonly known as Miner's Consumption, prescribing rules and regulations for the same, and making appropriation therefor," having had said bill under consideration beg leave to report the same back to the House with the recommendation that it do pass, with the following amendments:

Amend Section 16 by striking out of line one thereof, the words "Fifty Thousand Dollars," and inserting in lieu thereof the words "Twenty Thousand Dollars;" and by striking out of line five of said section the words "Twenty-five Thousand Dollars," and inserting in lieu therof, the words "Ten Thousand Dollars."

Report adopted.

The hour of 11:45 A. M. having arrived, the Chief Clerk called

the roll and found all memebers present except those paired.

RESOLUTIONS.

The following Resolution was received.

Mr. Speaker:

Announcement having been previously given of the death of Mrs. Adeline Tuttle, the daughter-in-law of the Honorable S. F. Tuttle, your Committee appointed to draw up Resolutions of Condolence, beg leave to submit the following:

WHEREAS, in accordance with the Will of a beneficient and All-Wise Providence, the beloved Adeline Tuttle has been called to her reward; and,

WHEREAS, the Honorable S. F. Tuttle is a member of the Twelfth Legislative Assembly of the State of Montana;

BE IT RESOLVED, That this Body extend to Representative S. F. Tuttle, and to his family, and the family of said deceased, its deepest sympathy and condolence; and

BE IT FURTHER RESOLVED, That a copy of these Resolutions be spread upon the records of the Twelfth Legislative Assembly of the State of Montana.

(Signed:) M. L. HEWETT,
J. L. DOBELL,
B. B. LAW,
Committee.

Resolution unanimously adopted.

No objection being offered the following report was received:

Mr. Speaker:

We your Committee on Waterways and Navigation, to whom was referred Senate Bill No. 20, introduced by Whiteside, being a Bill for an Act entitled, "An Act to appropriate money for the measurement of streams and watersheds and the compliation of data pertaining to the use and conservation of the waters of Montana," having had same under consideration, respectfully recommend that the same be concurred in.

Report adopted.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except those paired.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce

by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—12.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame—1.

For T. M. Swindlehurst—Conrow—1.

For G. H. Grubb—Larson and Sykes—2.

For C. N. Pray—McCone—1.

For M. M. Duncan—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bernard, Blake, Eliel, Grubb, Hewett, Hickey, Holt, Holter, Paul, Ralston, Rodgers, Sarter, Schwartz, Story and Swick—15.

For W. R. Allen—Bell and Higgins—2.

For G. H. Grubb—Burt, Jacobson, Jordan, Murray, Nelson, Roberts, Slayton, Stevens, Tolman and Vaughan—10.

For J. W. James—English and Williams—2.

For R. Lee Word—Owenhouse—1.

For C. N. Pray—Reser—1.

For C. B. Nolan—Tuttle—1.

For E. J. Owenhouse—Word—1.

Total—69.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	27
For W. G. Conrad	24
For G. H. Grubb	12
For W. R. Allen	3
For C. N. Pray	2
For J. W. James	2
For T. M. Swindlehurst	1
For M. M. Duncan	1

For R. Lee Word 1
For C. B. Nolan 1
For E. J. Owenhouse 1

Total 97

Paired:
Berry-Gray,
Moore of S. B.-Moore of Valley..... 4

Grand total 101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Rodgers moved to recess until 2:30 o'clock P. M.

O'Hern moved as a substitute motion to recess until 1:30 o'clock P. M.

Substitute motion lost.

Blackburn moved as a substitute motion to recess until 2:00 o'clock P. M.

Substitute motion of Blackburn prevailed and the House took a recess at 12:40 o'clock P. M. until 2:00 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTEES.

Duffy of Granite from the Committee on House Employees reported as follows:

Mr. Speaker:

We, your Committee on House Employees beg to recommend the name of Mrs. Margaret Bubser on the Enrollment Committee.

Duffy of Granite moved the adoption of the report.

Lissner moved as a substitute motion that this motion be laid on the table.

Substitute motion lost.

Story moved the previous question. Motion prevailed.

Report of the Committee on House Employees adopted.

Mr. Speaker at this time announced that he was about to sign S. J. M. No. 6, a Petition to Congress to enact such legislation as will relieve the settlers under irrigation projects in Montana, east of the main range of the Rocky Mountains, and signed same in the presence of the House.

Also S. B. No. 16, an Act to regulate the sale of goods, wares and merchandise within the State of Montana, known as prison-made goods, and signed same in the presence of the House.

Also S. B. No. 46, a Bill for an Act entitled, An Act to cede jurisdiction over "The Glacier National Park" to the United States, and for other purposes, and signed same in the presence of the House.

Also S. J. M. No. 4, a Petition to Congress to enact such legislation as will be necessary for the establishment of pleasure grounds on the irrigation districts now laid out, and also naming Fort Shaw Military Post as one of said parks, and signed same in the presence of the House.

Macdonald moved that the Committee on House Employees be instructed to examine the stenographers and Committee Clerks at present employed as to their qualifications in penmanship, with a view to enlisting them as assistants to the Enrollment when necessary. Motion prevailed.

The following resignations from the Enrolling Committee were received:

Hon W. W. McDowell, Speaker:

Please accept my resignation as a member of the Enrolling Committee.

(Signed): N. EBERT.

Hon W. W. McDowell, Speaker:

In view of the fact that the House has gone on record as favoring the employment of clerks for the Enrollment Committee without consulting the Committee, and in view of the fact that the Committee is responsible for the efficiency of the work, I feel that I cannot consistently serve longer on that committee, so please accept my resignation from that committee.

(Signed): B. B. LAW.

Hon W. W. McDowell, Speaker:

Please accept my resignation as member of Enrollment Committee.

(Signed): JAMES LISSNER.

Law moved that the above resignations be accepted. Motion lost.

REPORTS OF STANDING COMMITTEES.

The report of the Committee on State Institutions, Public Buildings and Grounds on Senate Bill No. 145, relative to the investigation of the Mitchell & Musigbrod property located in Deer Lodge County, which was laid over until 2:00 o'clock P. M., was again taken up.

The following minority report on S. B. No. 145 was received:

Mr. Speaker:

We, a Minority of your Committee on State Institutions, Public Buildings and Grounds, beg leave to submit the following report upon Senate Bill No. 145, being a Bill for an Act entitled, "An Act providing for an Appraisal Commission to investigate and report with respect to the reasonable value of the property of the copartnership of Mitchell & Musigbrod, located in Deer Lodge County, the purchase of which has been recommended by joint committee; providing for the acceptance of the terms of this Act and for arbitration in order to reach agreement respecting the value of the property, and prescribing the duties of the State Board of Examiners in the premises," amend said bill by striking out all of Sections 8, 9, 10, 11, 12 and 13 and

inserting in lieu thereof a section to be known as Section 8, as follows:

"Section 8. After such appraisal committee shall file their report with the Secretary of State for transmission to the Thirteenth Legislative Assembly of the State of Montana, and if the said Thirteenth Legislative Assembly shall find the price of the property now owned by the copartnership of Mitchell & Musigbrod fixed by said appraisal committee, just and fair to both the State of Montana and to Mitchell & Musigbrod, they shall thereupon take such action as to them shall seem meet and proper."

Strike out in line 68 the figures "14" and insert in lieu thereof the figure "9", so that the same will read as follows:

"Section 9."

And as so amended recommend that the same be concurred in.

O'Flynn moved the previous question. Motion prevailed.

Upon roll call the Majority was adopted by the following vote:

Ayes—Alley, Baker, Berry, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Lissner, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Skyton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—55.

Noes—Bell, Bernard, Binnard, Brady, Duffy of Silver Bow, Ebert, Johnson of Lewis and Clark, Law, McMurry, O'Hern, Stevens, Whaley, Wheeler of Silver Bow and Woody—14.

Absent and not voting—Asbridge, Byrnes, Macdonald, Murray—4.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 382, introduced by Higgins, a Bill for an Act entitled, "An Act to amend Sections 3418 and 3419 of the Revised Codes of Montana of 1907, relating to the issuance of warrants and bonds for the payment of improvements in special improvement districts by extending the time for which such warrants and bonds may be issued," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 385, introduced by Alley, a Bill for an Act entitled, "An Act to amend Section 3291 of the Revised Statutes of Montana, 1907, relating to the granting of franchises by cities and towns," having had said bill under consideration, beg leave to recommend that the same be amended as follows:

Insert in line 8 of section 3291, after the word "granting" the word "private."

And that as amended, the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 389, introduced by Bell, a Bill for an Act entitled, "An Act to amend Section 3216 of the Revised Codes of Montana of 1907, relating to officers of cities of the first class, and prescribing certain qualifications for police judges in such cities, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that further consideration thereof be indefinitely postponed.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 387, introduced by Gillis, a Bill for an Act entitled, "An Act to regulate the business of junk dealers, and providing penalties for the violation thereof," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 151, by Committee on Stock Growing and Grazing, a Bill for an Act entitled, "An Act appropriating money to pay fees and expenses of a Special Prosecutor and a Special Accountant employed to investigate the affairs of the State Board of Stock Commissioners and to prosecute all actions arising out of such investigation," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 135 by Hewett, a Bill for an Act to appropriate money for erecting and furnishing additional buildings for the feeble-minded at the school for the Deaf and Blind at Boulder, Montana, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed as the

appropriation called for in this bill in included in the general appropriation bill.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 165 by Owenhouse, a Bill for an Act appropriating money for the erection and furnishing of an Engineering Building at the Montana Agricultural College at Bozeman, Montana, having had said bill under consideration beg leave to report the same back to the House with the recommendation that it be indefinitely postponed, as the appropriation called for in this bill is taken care of in the General Appropriation Bill.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 324, by the Committee on Appropriations, a Bill for an Act appropriating the sum of Two Hundred and Fifty ($250) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 178, introduced by Blackburn, a Bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of the State of Montana relating to the practice of medicine," and

House Bill No. 66, introduced by Stevens, a Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana of 1907, relating to investment of capital of Insurance Companies.

House Bill No. 128, introduced by Donohue, a Bill for an Act entitled, "An Act to amend Section 1502 Revised Codes of Montana 1907, relating to reporting of Communicable Diseases," and

House Bill No. 129, introduced by Story, a Bill for an Act entitled, "An Act authorizing the Governor to appoint an Educational Commission for the purpose of amending, revising and collating the laws touching upon the public schools of the State, and for the further purpose of suggesting new legislation for the welfare of said schools, and an appropriation to meet the expenses of said Commission," and

House Bill No. 190, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act relating to, and regulating the sale of coal within the State of Montana, requiring all persons, associations or

corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violation of this Act," and

House Bill No. 211, introduced by Slayton, a Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of County Clerks," as being correctly engrossed.

Also Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 96, introduced by Higgins, a Bill for an Act entitled, "An Act to create and establish a law school at Missoula, to be conducted and operated as a Department of the University of Montana, to provide a name and to make an appropriation therefor, beg leave to report that the same is returned herewith properly enrolled.

Also Lissner from the Committee on Enrollment reported as follows:

Mr. Speaker:

I beg to report that at 11:25 A. M., this 17th day of February, 1911, I submitted to the Governor for his consideration House Bill No. 96 and received his receipt therefor.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 340, 108, 331, 78, 288 and House Joint Memorial No. 11, beg leave to report same as correctly printed.

Duffy of Silver Bow and the Committee on Appropriations were each granted permission by unanimous consent, to introduce a bill without previous notice having been given.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By Duffy of Silver Bow, H. B. No. 392, introduced without previous notice by unanimous consent: A Bill for an Act entitled, "An Act to improve the sanitary condition of quartz mines by providing for the proper ventilating of the same, and for protecting the lives of miners, and providing penalties for the violation of this Act,"

By Wheeler of Silver Bow, H. B. No. 393: A Bill for an Act entitled, "An Act to amend Sections 7561, 7562, 7563, 7567 and 7568 of the Revised Codes relating to the sale of real estate belonging to estates of deceased persons."

By Alley, H. B. No. 394: A Bill for an Act entitled, "An Act amending Section 3206 of the Revised Statutes of the State of Montana, 1907, relating to the classification of cities and towns."

By Blackburn, H. B. No. 395: A Bill for an Act entitled, "An Act to permit common carriers to carry free, or at reduced rates, persons and property in certain cases."

By Duffy of Silver Bow, H. B. No. 396: A Bill for an Act entitled, "An Act regulating the use of motor vehicles and providing penalties for the violation thereof."

By Committee on Appropriations, H. B. No. 397: A Bill for an

Act entitled, "An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and the Board of Examiners for Coal Mine Foreman and Mine Boss."

By Rodgers, H. B. No. 398: A Bill for an Act appropriating money for the payment of a claim against the State of Montana for loss arising from the slaughtering of deceased animals, under the provisions of Sections 1841 and 1842 of the Revised Codes of Montana of 1907.

By O'Flynn, H. B. No. 399: A Bill for an Act entitled, "An Act to prohibit any persons from divulging the contents of telegraphic and telephonic messages, and providing a penalty therefor."

House Joint Memorial No. 13, By Alley: "A Memorial to the Congress of the United States, praying the enactment of legislation for the establishment of a Parcels Post."

House Joint Resolution No. 7, By Lissner: Relative to H. B. No. 127.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 392, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 393, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 394, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 395, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 396, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 397, read first and second times at length and referred Committee on Mines and Mining.

H. B. No. 398, read first and second times at length and referred to Committee on Live Stock and Public Ranges.

H. B. No. 399, read first and second times by title only, and referred to Committee on Judiciary.

H. J. M. No. 13, read first and second times by title only, and referred to Committee on Federal Relations.

READING OF HOUSE JOINT RESOLUTIONS.

H. J. R. No. 7, read at length and adopted.

MOTIONS AND RESOLUTIONS.

Blackburn offered the following Resolutions:

Mr. Speaker:

I move the adoption of the following resolution:

Whereas, a sub-committee was appointed by the Chairman of the Committee on Appropriations for the purpose of drafting the general appropriations bill and which sub-committee consisted of Owenhouse, Woody and Eliel, and,

Whereas, said sub-committee in the performance of its duties was absent from the Session of the House on several occasions when a roll call was had on the passage of bills, therefore be it

Resolved, that the Journal of the House show the cause for the absence of the aforesaid members on the occasions referred to and that this Resolution be entered on the Journal.

Resolution adopted.

On motion of Hickey, H. B. No. 282 which was reported adversely by the Standing Committee was ordered printed.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communications were received from the Governor:

Executive Office, Helena, Montana, February 16, 1911.

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

I have this day approved and deposited with the Secretary of State the following House Bills:

Substitute for House Bill No. 11: An Act providing for the recording of every brand and mark upon horses, cattle or other livestock, and regulating the making of such record and fixing the fees therefor, and repealing all acts and parts of acts inconsistent with the provisions of this Act.

House Bill No. 68: An Act authorizing the State Game and Fish Warden to appoint a Chief Deputy, defining his powers and duties, and amending Section 1968, Revised Codes of 1907, relating to the compensation of Deputy State Game and Fish Wardens.

House Bill No. 95: An Act defining the liability of persons or corporations operating any railroad in this State, for injuries received by employes thereof, or in consequence of the death of any such employes by reason of negligence, and to declare void contracts restricting such liability.

House Bill No. 99: An Act to provide for the acquisition of land for the use of county fair associations, agricultural and horticultural societies, to provide for the maintenance thereof, and for the purchase and erection of permanent improvements thereon, and to amend Section 2928 of the Revised Codes of Montana of 1907.

(Signed): EDWIN L. NORRIS, Governor.

Executive Office, Helena, Mantana, February 17, 1911.

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

I have this day approved and deposited with the Secretary of State House Bill No. 96, "An Act to create and establish a law school at Missoula, to be conducted and operated as a department of the University of Montana, to provide a name and to make an appropriation therefor."

(Signed): EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 16, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that

the President announced that he was about to sign House Bills Nos. 95, 181, 99, 68, 127 and Substitute for House Bill No. 11, and same were signed in open Session.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 16, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the President announced that he was about to sign Senate Bill No. 46, Senate Joint Memorial No. 4, Senate Bill No. 16, Senate Joint Memorial No. 6, and House Bill No. 96, and same were signed in open Session.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 16, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following Bills were this day introduced, without having given previous notice:

By Dunnigan: A Bill for an Act entitled, "An Act relating to the catching of trout and grayling and returning those of certain sizes to the public waters from which they are taken, and providing penalty for violation thereof."

By Leary: A Bill for an Act entitled, "An Act to provide for the preservation of the forests and timber lands of and in the State of Montana, for the creation of the offices of fire wardens and deputy fire wardens, and their compensation, the manner of their appointment and term of office and for the carrying into effect of the provisions of this Act; defining the duties and powers of said officers and other officers in connection with this Act; prescribing the duties of persons, firms and corporations under this Act and providing penalties for violations of the provisions hereof, and repealing Sections XI, XII, XIII, XIV, and XV, Chapter 147, the Laws of the Eleventh Legislative Assembly."

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 17, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the following notice of introduction of a Bill was this day given:

By Sykes: A Bill for an Act entitled, "An Act to regulate the employment of children in street trades, and providing penalties for the violation thereof."

Also the following Bill and Senate Joint Memorial was this day

introduced without having given previous notice·

By Larson: A Bill for an Act entitled, "An Act to amend Section 2263 of the Revised Codes of 1907, relating to limitation of Contracts and prohibiting further segregations under the Carey Land Act."

By Survant: A Senate Joint Memorial, relating to the "Reciprocal Trade Agreement" between Canada and the United States.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 17, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Joint Memorial and Senate Bill, were this day introduced, read first and second times and referred:

Senate Joint Memorial No. 11, by Survant, relating to the "Reciprocal Trade Agreement" between Canada and the United States. Referred to Committee on Federal Relations.

Senate Bill No. 184, by Larson: A Bill for an Act entitled, "An Act to amend Section 2263 of the Revised Codes of 1907, relating to limitation of contracts and prohibiting further segregations under the Carey Land Act." Referred to Committee on Public Lands.

Also

Senate Bill No. 185, by Edwards: A Bill for an Act entitled, "An Act for the protection of employees as members of labor organizations and to prevent the coercion of said employees not to enter into an agreement, either written or verbal, to join or become a member of any labor organization as a condition of securing or continuing employment and providing a penalty for the violation thereof." Referred to Committee on Corporations other than Municipal.

Senate Bill No. 186, by Whiteside (by Request): A Bill for an Act entitled, "An Act to establish a suitable home for the deserving Pioneers of the State of Montana, and to provide for its maintenance and final disposition." Referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 16, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that:

Senate Bill No. 141 by Sykes, having again been read a third time and passed, is herewith transmitted for your concurrence.

Also House Bill No. 96, by Higgins, having been read three several times and concurred in, is herewith returned.

Also Substitute for House Bill No. 41, by Committee on Live Stock and Public Ranges, having been read three several times and amended, is herewith returned for your concurrence in Senate amendments.

Also Substitute for House Bill 213 by Alley, having been read

three several times and concurred in, is herewith returned.

Also Substitute for House Bill No. 38, by Committee on Live Stock and Public Ranges, having been read three several times and amended, is herewith returned for concurrnce in Senate amendments.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 17, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that House Bill No. 307, introduced by Binnard, having been read first and second times and referred to Committee on Finance and Claims, Committee recommend that Bill 307, be not concurred in, report adopted, and the Bill is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

A communication was received from the Helena Trades and Labor Assembly relative to the election of a United States Senator, was read, and referred to the Committee on Privileges and Elections.

Also a communication was received from the Helena Trades and Labor Assembly, relative to the construction of additions to State Capitol, was read, and referred to the Committee on State Institutions, Public Buildings and Grounds.

REPORTS OF STANDING COMMITTEES.

Blackburn from the Committee on appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 31, introduced by Nolan, being a Bill for an Act empowering the Board of Directors of the Montana State Fair to acquire land for the use of the Street Fair, and appropriating money for the acquisition thereof," have made the following amendments:

1. Strike out from the title of the bill the following words: "and appropriating money for the acquisition thereof."

2. Strike out section 2.

The elimination of these words from the title and the striking out of Section 2 have been made for the reason that in the general appropriation bill, the appropriation covered by Section 2, and to which reference is made in the title, is provided for.

3. Number Section 3, "Section 2." And number Section 4 "Section 3," and as so amended recommend that the bill do pass.

Report adopted.

Berry moved as follows:

Mr. Speaker:

I move the House adjourn on Saturday February 18th, immediately

after vote has been had for United States Senator, to meet at 11:00 o'clock A. M. Monday, February 20th.

Motion prevailed.

READING OF SENATE BILLS.

S. B. No. 141, a Bill for an Act entitled, "An Act to amend Section 6364 of the Revised Codes of Montana," read first and second times by title only, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

McQuitty, acting chairman from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 57, introduced by Bell, a Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana and providing for transportation of pupils within the school district where they reside or from one district to another.

House Bill No. 81, introduced by Law, a Bill for Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to employment of city superintendent of schools, term of employment, and sources of compensation," and

House Bill No. 87, introduced by Berry: A Bill for an Act entitled, "An Act relating to qualifications of teachers and the granting of teachers' certificates to graduates of the University of Montana," and

House Bill No. 91, introduced by Eliel, a Bill for an Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of court in certain cases, and prescribing his or their duties and compensation, and,

House Bill No. 122, introduced by Higgins, a Bill for an Act entitled, "An Act to amend Section 673 of the Revised Codes of the State of Montana 1907, relating to the duties of the President of the University of Montana and of changing the date of filing annual report," beg to report that same are returned herewith properly enrolled.

THIRD READING OF SENATE BILLS.

S. B. No. 59 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Blackburn, Blake, Burt, Dobell, Donnohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Macdonald, McQuitty, Martin, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody and Mr. Speaker—56.

Noes—None.

Absent and not voting—Asbridge, Binnard, Brady, Byrnes, Crouch, Duffy of Silver Bow, Johnson of Ravalli, Kirschwing, Lissner, Mc-

Murry, McNally, Moore of Silver Bow, Murray, Rodgers, Slayton, Wheeler of Silver Bow and Word—17.

Title agreed to.

S. B. No. 1, having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Whaley Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker —64.

Noes—Tuttle—1.

Absent and not voting—Asbridge, Bernard, Brady, Crouch, McMurry, Murray, Rodgers and Wheeler of Silver Bow—8.

Title agreed to.

S. B. No. 118 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Sarter, Schwartz, Stevens, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascdae, Williams, Woody, Word and Mr. Speaker—55.

Noes—Grubb and Story—2.

Absent and not voting—Asbridge, Baker, Bernard, Brady, Donohue, Duffy of Silver Bow, Hayes, Holt, Johnson of Ravalli, McMurry, McQuitty, Murray, O'Flynn, Reser, Tolman, Slayton—16.

Title agreed to.

S. B. No. 83 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Berry, Binnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—59.

Noes—None.

Absent and not voting—Asbridge, Bernard, Brady, Donohue, Ebert,

Hayes, Johnson of Ravalli, Kammerer, Law, McMurry, Murray, Stevens, Tolman and Wheeler of Silver Bow—14.

Title agreed to.

S. B. No. 91 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—62.

Noes—None.

Absent and not voting—Asbridge, Brady, Byrnes, Hayes, Johnson of Ravalli, Kammerer, Law, McMurry, Murray, Nolan and Williams—11.

Title agreed to.

O'Hern moved that S. B. No. 111 be recommitted to the Committee on Townships and Counties.

Motion lost.

O'Hern moved that S. B. No. 111 be laid on the table.

Upon roll call the motion that S. B. No. 111 be laid on the table was lost by the following vote:

Ayes—Binnard, Ebert, Higgins, Johnson of Ravalli, Jordan, Lissner, O'Hern, Reel, Wheeler of Silver Bow and Woody—10.

Noes—Alley, Baker, Bell, Bernard, Berry, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Kirschwing, Macdonald, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Absent and not voting—Asbridge, Brady, Byrnes, Kammerer, Law, McMurry, Martin, Murray and Whaley—9.

S. B. No. 111 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Macdonald, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Nelson, O'Flynn, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan, Williams, Word and Mr. Speaker—50.

Noes—Berry, Binnard, Ebert, Higgins, Lissner, Nolan, O'Hern,

Reel, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Woody—13.

Absent and not voting—Asbridge, Brady, Byrnes, Johnson of Ravalli, Kammerer, Law, McMurry, Martin, Murray, Tolman—10.

Title agreed to.

On motion of Hewett, the House adjourned at 5:20 o'clock P. M. to meet tomorrow at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Atest:

FINLAY McRAE, Chief Clerk.

Forty-Eighth Day.

Saturday, February 18, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Blake, Herbold, Tolman, Kammerer and Macdonald.

On motion of Dobell the Journal of the Forty-seventh Day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following letter was received and read:

Brandenberg, Montana, February 14, 1911.

Mr. Finlay McRae,
Chief Clerk.

My dear Sir: Your letter of February seventh, conveying word to me of the fact that a copy of the House Resolutions passed upon my husband's death had been sent me by Mr. Holt of Miles City, has just reached me here.

I wish to extend to the entire body of the House my most sincere thanks for this honor and mark of respect paid my late husband, and would also thank you personally for your kindness.

Very sincerely yours,
(Signed:) MARGUERITE TERRETT.

NOTICES OF BILLS.

By Alley: A Bill for an Act entitled, "An Act to provide for the establishment of State Inspection and weighing of grain, and regulating public warehouses, and providing for the appointment of inspectors and weigh masters, their duties and responsibilities, and providing for the establishment of grades of grain, and providing penalties for the violation of the provisions of ths Act."

By O'Flynn: A Bill entitled, "An Act to prohibt the opening or

publishing of a letter, telegram or a private paper, and providing a penalty therefor."

By McQuitty: A Bill for an Act entitled, "An Act to amend Section 2263 of the Revised Codes of 1907, relating to limitation of contracts, and prohibiting further segregation under the Carey Land Act."

By Nolan: A Bill for an Act entitled, "An Act governing the admissibility of confessions of defendants in criminal cases."

By Jordan: A Bill for an Act entitled: "An Act relating to the Orphans' Home at Twin Bridges."

By Word: A Bill for an Act entitled: "An Act providing the conditions under which foreign mortgage and loan corporations or joint stock companies may transact business in the State of Montana."

By Eliel: A Bill for an Act entitled: "A Bill for an Act to appropriate money to defray the expense of enforcing the provisions of the Act creating the office of Sealer of Weights and Measures."

By Bell: A Bill for an Act entitled, "An Act regulating cheap dance halls in the State of Montana and prohibiting children from attending the same."

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 336, introduced by O'Flynn, being a Bill for an Act entitled, "An Act prohibiting Peace Officers and other persons from obtaining or seeking to obtain confessions from persons under arrest, or charged with the commission of a crime," report the same back to the House and recommend that it be indefinitely postponed, and recommend that Substitute House Bill No. 336, being a Bill for an Act entitled, "An Act prohibting Peace Officers and other persons from obtaining or seeking to obtain confessions from persons under arrest, or charged with the commission of a crime," do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

Your Committee on Sanitary Affairs to whom was referred House Bill No. 109, introduced by Jordan, being a Bill for an Act entitled, "An Act for the establishment, maintenance, and conduct of an Institution in connection with the State Insane Asylum for the care and treatment of indigent persons suffering from mental affliction occasioned by the use of drugs or intoxicants; providing for the commitment thereto and prescribing penalties for infractions of the provisions thereof," after having had same under consideration beg leave to refer back to the House in lieu thereof House Bill No. 109, Substitute for House Bill No. 109, introduced by Jordan, being a Bill for an Act entitled:

"An Act providing for the establishment, maintenance and conduct of an Institution in connection with the State Insane Asylum for the care and treatment of persons suffering from mental affliction occasioned by the use of drugs or intoxicants; providing for the commitment thereto and prescribing penalties for infractions of the provisions thereof," after due consideration beg leave to report House Bill No. 109, Substitute for House Bill No. 109, back to the House with the recommendation that the same do pass.

Report adopted.

Also Wheeler of Cascade from the Committee on Sanitary Affairs reported as follows:

Mr. Speaker:

We, your Committee on Sanitary Affairs, to whom was referred Senate Bill No. 53 introduced by Burlingame, being a Bill for an Act entitled, "An Act requiring the registration of all trained nurses, providing a Board of Registration and Examination, fixing the number, duties and qualification of said Board, and providing for the registration of nurses, providing penalties for the violation of said act," beg leave to report back having had the same under consideration, we herewith return it to the House with the recommndation that it be amended as follows:

1. Amend Section 1 by striking out lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, of the printed bill and substituting in lieu thereof the following:

That upon taking effect of this act the Governor shall designate a State Board of Examiners of Professional Nurses composed of five (5, Graduate Nurses, all of whom are in active practice and eligible for registration according to the provisions of this Act, and who have had at least five years experience in the practice of the profession after graduation and none of whom shall be connected with any training school for nurses. One of the five (5) Graduate Nurses shall be designated by the Governor to hold office for one year, one to hold office for two years, one to hold office for three years, one to hold office for four years, and one to hold office for five years, and thereafter upon the expiration of the term of office of the person or persons so appointed the Governor shall appoint from a list of five eligible persons, to be furnished him annually by the State Board of Examiners of Professional Nurses, successors to such person or persons to fill vacancy. All vacancies occuring on this Board shall be filled by the Governor from persons qualified as above stated and recommended as provided in this Act.

2. Amend Section 1, line 20 by inserting between the words "and" and "such" the word "at."

3. Amend Section 1, line 20 by adding to the word "time" the letter "s".

4. Amend Section 1, line 20 by inserting after the word "fit" the following: "Provided that pending the regular annual meeting of the Board of Examiners of Trained Nurses, the President of the Examining Board of Trained Nurses may, upon the written recom-

mendation of two reputable physicians practicing in the District wherein such applications for a graduate or registered nurse's certificate desires to practice his or her profession, grant a temporary certificate which shall be valid until the next meeting of the Examining Board of Trained Nurses.

5. Amend Section 1 by inserting at the end of line 22 following the word "quorum" the following: "The members of the Board shall at their first meeting, and annually thereafter organize by electing from among their number a President and Secretary, who shall also be the Treasurer. The Treasurer before entering upon the duties of the office shall file with the Secretary of State a bond payable to the State of Montana, in a sum to be fixed from time to time by the Board, and with sureties approved by the Governor, conditioned for the faithful discharge of the duties of the office. The Board shall adopt rules not inconsistent with this Act to govern its proceedings. It shall adopt a seal, and the Secretary shall have the care and custody thereof. The Secretary shall keep a record of all proceedings of the Board, including a register of the names and addresses of all Nurses duly registered under this Act, which shall be open at all reasonable times for public scrutiny. The Board shall cause the prosecution of all persons violating any of the provisions of this Act and may incur necessary expense in that behalf. The Secretary shall receive a salary which shall be fixed by the Board. The Secretary shall receive all fees and moneys due the Board, and shall pay them out only on the order of the Board duly signed by the President.

6. Amend Section 1, line 23 by striking out the words, "the members of the State Board of Examiners and their successors."

7. Amend Section 1, line 25, by striking out the word "a".

8. Amend Section 1, by inserting at the end of line 35 and following the word "cause" the following: "Such as gross incompetency, dishonesty, intemperance, neglect of duty, or any act derogatory to the morals or standing of the profession of nursing as may be determined by the Board."

9. Amend Section 1 by striking out all of line 42 after the word "certificate" also lines 43, 44 and 45.

10. Amend Section 3, by striking out the whole section and inserting in lieu thereof the following: "All professional Nurses, Graduates of Training Schools who have been practicing their profession in the State of Montana for a period of one year immediately preceding the passage of this Act, shall be required to show evidence of having attended but two full years training in some recognized training school, connected with a hospital, public or private, before receiving their certificate of registration.

And as amended said bill be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was

referred House Bill No. 370, introduced by Blackburn, entitled, "An Act entitled, 'An Act prescribing the salary of certain appointive and deputy officers, clerks, stenographers and employees at the State Capitol,'" beg leave to report that after having had the same under consideration recommend that it do pass as amended.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 134 entitled, "An Act to amend Section 1509 and Section 1564 of the Revised Codes of Montana, 1907, providing that sewerage system must be approved by the State Board of Health and relating to the pollution of water supply," beg leave to report that after having had the same under consideration recommend that it be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 48, entitled, "An Act defining the powers and duties of the Register of State Lands, and fixing his bond; creating the office of Receiver for State Lands, providing for his appointment, fixing his salary, and defining his powers and duties; providing that the State Board of Land Commissioners shall have power to appoint a clerk, and such other office force as may be necessary, and repealing Section XXII, of Chapter 147, Laws of the Eleventh Legislative Assembly of the State of Montana, relating to the management and control of State Lands," beg leave to report that after having had the same under consideration recommend that it be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 388, entitled, a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 6 of Article XVI of the Constitution of the State of Montana, relating to officers, their election or appointment, and their terms of office, other than officers named in the Constitution," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 357 entitled, "A Bill for an Act to amend

Section 269 of the Revised Codes of 1907 of the State of Montana, relating to the duties of the State Board of Examiners in the employment of laborers in and about the State Capitol Building," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Duffy of Silver Bow from the Committee on Mines and Mining reported as follows:

Mr. Speaker:

We, your Committee on Mines and Mining having had under consideration House Bill No. 392, recommended by a Joint Committee of the House and Senate, being a Bill for an Act entitled, "An Act to improve the sanitary conditon of Quartz Mines by providing for the proper violation of this Act," report the same back to the House and respectfully recommend that it do pass.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 344, introduced by Alley, being a Bill for an Act entitled, "An Act to provide for the distribution of joint rates made over two or more connecting lines of railway," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Law from the Committee on Fairs and Expositions reported as follows:

Mr. Speaker:

Your Committee on Fairs and Expositions to whom was referred Senate Bill No. 51, introduced by Donlan, and entitled, "A Bill for an Act providing for the location, management and conduct of the Montana State Fair, and repealing Chapter VIII, of Part III, Title V, of the Revised Codes of 1907," having had the same under consideration, recommend that the same be concurred in.

Report adopted.

Also Law from the Committee on Fairs and Expositions reported as follows:

Mr. Speaker:

Your Committee on Fairs and Expositions to whom was referred House Bill No. 173, introduced by Kirschwing, entitled, "A Bill for an Act appropriating money to defray the expense of establishing and maintaining an exhibit of the products of the State of Montana at the Pacific Panama International Exposition, to be held in the City of San Francisco in 1915," having had the same under consideration, recommend that the same be indefinitely postponed.

Report adopted.

Also Law from the Committee on Fairs and Expositions reported as follows:

Mr. Speaker:

Your Committee on Fairs and Expositions to whom was referred House Bill No. 158, introduced by Vaughan, a Bill entitled, "An Act to provide for the exhibit of the products of the State of Montana at the International Exposition to be held in San Francisco in 1915," having had the same under consideration, recommend that the same be indefinitely postponed.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

We your Committee on Fish and Game having had under consideration Senate Bill No. 84, introduced by Dunnigan, a Bill for an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint additional deputies at certain times; providing for their compensation, and authorizing the State Game and Fish Warden to employ an additional clerk and fixing the salary thereof, and providing the manner in which the same shall be paid," recommend that the same be concurred in.

Report adopted.

Also Owenhouse from the Committee on Fish and Game reported as follows:

Mr. Speaker:

We your Committee on Fish and Game having had under consideration Senate Bill No. 12, introduced by Edwards, a Bill for an Act entitled, "An Act to amend Section 8787, of the Revised Codes of 1907, as amended by Chapter 81, Laws of 1909, relative to the season for shooting Grouse, Prairie Chicken, Pheasant, Partridge, Fool or Sage Hens," recommend that the same be amended as follows:

In Section 1, insert after the word "any" and before the word "grouse," 'pintail;" after the word "grouse" insert the words "(commonly known as prairie chicken.)" After the word "Prairie Chicken" strike out the words "Fool Hen". Strike out the words "Pheasant or Partridge." Insert the word "or" between "Prairie Chicken" and "Sage Hen," and after the words "Sage Hen," insert the following: "or any person who between the first day of November and the first day of October of the following year, wilfully shoots or kills, or causes to be shot or killed, any grouse (excepting pin-tail grouse commonly known as prairies chicken, as in this act provided), fool hen, pheasant or partridge," and that as amended the said bill be concurred in.

Report adopted.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Committee on Appropriations, H. B. No. 400: A Bill for an Act entitled, "An Act appropriating money for the maintenance of the executive and judicial department of the State Government for two years, commencing March 1, 1911, and ending February 28th, 1913."

By Committee on Appropriations, H. B. No. 401: A Bill for an Act entitled, "An Act appropriating money for the maintenance and improvements of the various State Institutions of Montana, for two years, commencing March 1 1911, and ending February 28th, 1913."

By Baker, H. B. No. 402: A Bill for an Act entitled, "An Act to amend Sections 9728 and 9729 of the Revised Codes of the State of Montana of 1907, relating to Labor and employment of convicts."

By Stevens, H. B. No. 403: A Bill for an Act entitled, "An Act to provide for the appointment of an inspector of elevators and mining cages; to fix his compensation; and defining his duties."

By Kirschwing, H. B. No. 404: A Bill for an Act entitled, "An Act to amend Section 3191 of the Revised Codes of Montana of 1907, relating to the fees of interpreters."

By Nolan, H. B. No. 405, A Bill for an Act entitled, "An Act relating to Banks and Banking, and Trust Deposits, and Security Companies, and creating a Depositor's Guaranty Fund."

By Story, H. B. No. 406: A Bill for an Act entitled, "An Act to amend Sections 1713, 1714 and 1715 of the Revised Codes of 1907, relating to the duties of the Inspector of Mines."

By Rodgers, H. B. No. 407: A Bill for an Act entitled, "An Act to provide for the creation of a Board to be known as the "Montana State Board of Fire Insurance Commissioners," and to prescribe and fix their duties and terms of office, and to provide for their compensation; and to provide for the regulation of fire insurance rates within the State of Montana, and to prevent unresaonable fire insurance rates or unreasonable premiums upon fire insurance policies, and prescribing penalties for the violation of this Act."

By Story, H. B. No. 408: A Bill for an Act entitled, "An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigation Committee and authorizing the payment of the same."

By Gray, H. B. No. 409: A Bill for an Act entitled, "An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from state timber lands."

By Brady, H. B. No. 410: A Bill for an Act entitled, "An Act requiring all persons and corporations operating passenger cars by electricity to employ on each car or set of cars, one motorman and one conductor in the operation of such car or set of cars."

READING OF HOUSE BILLS.

The following Bills were taken from the file:

H. B. No. 400, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 401, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 402, read first and second times by title only, and referred to Committee on Labor.

H. B. No. 403, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 404, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 405, read first and second times by title only, and referred to Committee on Banks and Banking.

H. B. No. 406, read first and second times by title only, and referred to Committee on Mines and Mining.

H. B. No. 407, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 408, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 409, read first and second times by title only, and referred to Committee on State Lands.

MESSAGES FROM THE GOVERNOR.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 18, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

In compliance with the terms of House Joint Resolution No. 7, I have the honor to return herewith House Bill No. 127, for correction.

(Signed) EDWIN L. NORRIS, Governor.

The hour of 11:45 o'clock A. M. having arrived the Chief Clerk called the roll and found all members present except those paired.

Mr. Speaker at this time announced that he was about to sign S. B. No. 54, a Bill for an Act to create the office of State Sealer of Weights and Measures and providing the duties and powers relative to the inspection and sealing of weights and measures, and providing penalties for the violation thereof, and signed same in the presence of the House.

No objection being offered, Mr. Speaker reverted back to the second Order of Business.

NOTICES OF BILLS.

By Eliel: A Bill for an Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly not otherwise provided for.

By Eliel: A Bill for an Act to appropriate money for the purpose of purchasing certain appliances necessary in the office of State Examiner.

READING OF HOUSE BILLS.

H. B. No. 410, read first and second times by title only, and referred to Committee on Affairs of Cities.

THIRD READING OF SENATE BILLS.

S. B. No. 106, a Bill for an Act entitled, "An Act to pay the increase of salary of the Second Assistant State Examiner as provided for by appropriation," having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—67.

Noes—None.

Absent and not voting—Duffy of Silver Bow, Herbold, Kammerer, Macdonald, Story and Tolman—6.

Title agreed to.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 18th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 7, introduced by Lissner, relating to the return of House Bill No. 127, from the hands of the Governor for correction, was this day read and concurred in and is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

REPORTS OF STANDING COMMITTEES.

Baker from the Commitee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 114, 224, 326, 134 and House Joint Memorials Nos. 10 and 12, and Substitute for House Bill No. 107, beg leave to report same as correctly printed.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock, noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except those paired.

All the members of the House were found present except those paired.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce

by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Leighton, McDonnell, Meyer, Survant and Tooley—10.

For T. J. Walsh—Dearborn, Duncan, George, Groff, McCarthy, Stout and Whiteside—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Everett—Burlingame, Larson and Sykes—3.

For C. N. Pray—Everett—1.

Total—24.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow, and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Johnson of Lewis and Clark, Law, Lissner, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—18.

For T. H. Carter—Bernard, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Paul, Ralston, Roberts, Rodgers, Sarter, Stevens and Swick—16.

For W. R. Allen—Bell—1.

For T. M. Everett—Burt, Jacobson, Moore of Valley, Murray, Nelson, Reser, Schwartz and Slayton—8.

For R. Lee Word—Owenhouse—1.

For C. B. Nolan—Tuttle—1.

For J. A. McGowan—Vaughan—1.

For W. W. Harper—Williams—1.

For Frank Woody—Word—1.

Total—63.

The Secretary of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	26
For W. G. Conrad	21
For T. M. Everett	11
For C. N. Pray	1
For W. R. Allen	1
For R. Lee Word	1
For C. B. Nolan	1
For J. A. McGowan	1
For W. W. Harper	1
For Frank Woody	1
Total	87

Paired—Senate:
Conrow-McCone,
Leary-Selway..... 4
Paired—House:
Donohue-Blake,
Herbold-Tolman,
Story-Martin,
Jordan-Kammerer,
Macdonald-Higgins..... 10

Grand total.....101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Stevens the House adjourned at 12:20 o'clock P. M. to meet Monday, February 20th, at 11:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:
FINLAY McRAE, Chief Clerk.

Fiftieth Day.

Monday, February 20, 1911.

House met pursuant to adjournment at 11:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except English, Holt, Tolman, Kammerer, McMurry, Wheeler of Cascade and McQuitty.

On motion of Reel the Journal of the Forty-eighth Day as read was approved.

Mr. Speaker at this time announced that he was about to sign S. B. No. 111, an Act entitled, "'An Act changing and defining the boundaries of Sanders County, and changing the boundaries of Missoula County to conform thereto," and signed same in the presence of the House.

COMMUNICATIONS AND PETITIONS.

The following communication was received:

Helena, Montana, Feb. 18, 1911.

To the House of Representatives of the Twelfth Legislative Assembly.

Gentlemen: Herewith a claim of C. F. Healea, Director of the State Fish Hatchery, for expenses of same for December and January

amounting to $1,982.60, and for which we hereby recommend a deficiency appropriation therefor.

Respectfully,
State Board of Examiners,
(Signed) EDWIN L. NORRIS, President,
ALBERT J. GALEN,
A. N. YODER, Secretary.

Referred to Committee on Appropriations.

A petition from Chinook signed by 42 persons requesting the enactment of S. B. No. 33 was received and referred to the Committee on Townships and Counties.

An invitation was received from the F. O. Eagles to attend a stag social session and smoker on Tuesday evening, Feb. 21, 1911.

NOTICES OF BILLS.

By Grubb: A Bill entitled, "An Act to confer upon the Board of Railroad Commissioners of the State of Montana authority to compel the erection and construction of stations or platforms along the line of railways within the State of Montana."

By Bernard: A Bill for an Act entitled, "An Act to create the County of Kootenai, and designate its boundaries, provide for its organization and government, and to change the boundaries of Linclon County to conform thereto."

By Martin: A Bill for an Act entitled, "An Act to amend Sections 3176 and 3177 of the Revised Codes of Montana of 1907, relating to fees of Justice of the Peace and Constable."

By Schwartz: A Bill for an Act entitled, "An Act to amend Sections 6513, 6515 and 6518 of the Revised Codes of Montana, 1907, relating to the commencement of actions, the issuance, directing of and contents of summons, and the service and return thereof."

By Duffy of Granite: A Bill entitled, "An Act to confer upon the Board of Railroad Commissioners of the State of Montana, authority to compel the lighting and ventilation of all tunnels within this State, which are used by steam railroads."

REPORTS OF STANDING COMMITTES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 373, 31, 232, 380, 361, 359, 311, 392 and 274 beg leave to report same as correctly printed.

Also Berry from the Committee on State Lands reported as follows:

Mr. Speaker:

We your Committee on State Lands to whom was referred House Bill No. 409, introduced by Gray, being a Bill for an Act entitled, "An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from the State timber lands," report having had same under consideration, recommend that the bill do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 401, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the maintenance and improvements of the various State Institutions for Montana for two years, commencing March 1st, 1911, and ending February 28, 1913," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 400, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the maintenance of the Executive and Judicial Departments of the State Government for two years, commencing March 1, 1911, and ending February 28, 1913," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

INTRODUCTION OF BILLS.

O'Hern was granted permission to introduce two bills, Blackburn was granted permission to introduce a Bill, and Asbridge was granted permission to introduce a Joint Resolution without previous notice having been given.

The following bills were introduced and placed on file:

By Jordan, H. B. No. 411: A Bill for an Act entitled, "An Act relating to the care of Orphan Children, extending and defining the duties of the State Bureau of Child and Animal Protection, providing for an additional Deputy in said Bureau, and defining his duties, and fixing his compensation."

By Nolan, H. B. No. 412: A Bill for an Act entitled, "An Act governing the admissibility of confessions of defendants in criminal cases."

By Word (By request), H. B. No. 413: A Bill of an Act entitled, "An Act providing the conditions under which Foreign Mortgage and Loan Corporations or Joint Stock Companies may transact business in the State of Montana."

By Alley, H. B. No. 414: A Bill for an Act entitled, "An Act to provide for the establishment of State Inspection and Weighing of grain, and regulating public warehouses, and providing for the appointment of Inspectors and Weighmasters, their duties and responsibilities, and providing for the establishment of grades of grain, and providing penalties for the violation of the provisions of this Act."

By O'Hern: By unanimous consent and without previous notice, H. B. No. 415: A Bill for an Act entitled, "An Act to provide for the

services of a clerk to the Adjutant General of the State of Montana and fixing the compensation of said Clerk."

By Committee on Live Stock and Public Ranges, H. B. No. 416: A Bill for an Act entitled, "An Act to appropriate the sum of One Thousand ($1,000.00) Dollars or so much thereof as may be necessary to pay the per diem and mileage of the members of the Joint Committee to investigate the affairs of the State Boards of Stock Commissioners, and to pay the mileage and per diem of witnesses required to testify before said Committee, and providing for the payment thereof, and for other purposes."

By O'Hern, by unanimous consent and without previous notice, H. B. No. 417: A Bill for an Act entitled, "An Act to amend Section 1665 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of clerk to the Secretary of the State Bureau of Child and Animal Protection."

By Blackburn, by unanimous consent and without previous notice, H. H. No. 418: A Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims and salary of the members of the Supreme Court, the District Judges of the State, and the County Attorneys of the State, for the Quarter ending February twenty-eighth, 1911.'

By Asbridge, by unanimous consent and without previous notice, H. J. R. No. 8: Extending the life of Joint Committee appointed to investigate the affairs of the Board of Live Stock Commissioners and defining its duties and authority.

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 411, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 412, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 413, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 414, read first and second times by title only, and referred to Committee on Agriculture.

H. B. No. 415, read first and second times by title only, and referred to Committee on Military Affairs.

H. B. No. 416, read first and second times at length and referred to Committee on Live Stock and Public Ranges.

H. B. No. 417, read first and second times by title only, and referred to Committee on State Board and Officers.

H. B. No. 418, read first and second times at length and referred to Committee on Appropriations.

READING OF HOUSE JOINT RESOLUTIONS.

H. J. R. No. 8, extending the life of Joint Committee appointed to investigate the affairs of the Board of Live Stock Commissioners and defining its duties and authority, having been read three several times,

was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Tuttle, Vaughan, Whaley, Williams, Woody, Word and Mr. Speaker—60.

Noes—None.

Absent and not voting—Berry, Crouch, English, Holt, Kammerer, McMurry, McQuitty, O'Flynn, Paul, Story, Tolman, Wheeler of Silver Bow, Wheeler of Cascade—13.

Title agreed to.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State House Bill No. 181, "An Act to provide and fix the salary and compensation of under-sehriffs in counties of the first class."

(Signed) EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 18th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Senate Bill No. 54 and Senate Bill No. 111, and the same were signed in open session.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 18th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion, which was adopted, the Senate asks for the recall of Substitute for House Bill No. 38, for further consideration.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 18th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 186, by McCarthy: A Bill for an Act appropriating money to refund to Dave Anderson, a deposit made in bidding for the construction of a building at the Montana Agricultural College at Bozeman, Montana. Referred to Committee on Finance and Claims.

Senate Bill No. 187, by Kessler: A Bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1910." Referred to Committee on Finance and Claims.

Senate Bill No. 188, by Committee appointed to investigate the Carey Land projects, and other State Lands: A Bill for an Act entitled, "An Act to appropriate money to pay the cost of investigating the Carey Land Project, and other State Lands." Referred to Committee on Finance and Claims.

Senate Bill No. 189, by Meyer: A Bill for an Act entitled, "An Act appropriating money to reimburse O. W. Hinote for improvements on land sold to him by the State, and to which the State failed to give him title." Referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 18th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notice of the introduction of a bill was this day given:

By Survant: A Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of Montana of 1907, relating to fees of the County Clerk for filing and indexing Chattel Mortgages and for entering of discharge or satisfaction thereof."

Also the following bills were this day introduced without first having given previous notice:

By McCarthy: A Bill for an Act appropriating money to refund to Dave Anderson a deposit made in bidding for the construction of a building at the Montana Agricultural College at Bozeman, Montana.

By Kessler: A Bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1910."

By Committee appointed to investigate the Carey Land Projects and other State Lands: A Bill for an Act entitled, "An Act to appropriate money to pay the cost of investigating the Carey Land Projects and other State Lands."

By Meyer: A Bill for an Act entitled, "An Act appropriating money to reimburse O. W. Hinote for improvements on land sold to him by the State and to which State failed to give him title."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 18th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 28, introduced by Gillis, having been read three several times and concurred in is herewith returned.

Also, House Bill No. 12, introduced by Law, having been read three several times and concurred in as amended is herewith returned for your concurrence in Senate Amendment.

Also, House Bill No. 86, introduced by Wheeler of Silver Bow, having been read three several times and concurred in is herewith returned. The Senate wishes to call the attention of the House to this bill, in that it was once amended in the Senate, as the History will show, but in the Committee of the Whole, the Senate amendments were withdrawn and the bill is herewith returned in its original form and Senate asks House to recede from Senate amendments.

Also Senate Joint Memorial No. 10, introduced by Burlingame, and Senate Joint Memorial No. 11, by Survant, having been read three several times and passed, is herewith transmitted for concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate

Senate Chamber, Helena, Montana, February 18th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 136, introduced by Edwards, 166 introduced by Meyer, 163 introduced by Gallwey, 162 introduced by Burlingame, 161 introduced by Gallwey, 137 introduced by McCone, and Substitute for Senate Bill No. 56, by McCarthy, having been read three several times and passed is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

The hour of 11:45 o'clock A. M. having arrived, the Chief Clerk called the roll and found all members present except those paired.

READING OF SENATE BILLS.

S. B. No. 136, read first and second times by title only, and referred to Committee on Ways and Means.

S. B. No. 166, a Bill for an Act entitled, "An Act to prohibit the selling, giving away or drinking, upon any public school house premises, any intoxicating beverages, and prohibiting their being brought upon said premises," introduced and read first time.

S. B. No. 163, a Bill for an Act entitled, "An Act to amend Section 1712, Revised Codes of the State of Montana, 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, "An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salaries of the inspector and deputy inspector of mines, and

to provide for the salary of such deputy inspector of mines,' " introduced and read first time.

S. B. No. 162, a Bill for an Act entitled, "An Act to amend Section 3387 of the Revised Codes of Montana, 1907, relating to the cost of curbing, guttering and constructing sidewalks and keeping the same in repair," introduced and read first time.

S. B. No. 161, a Bill for an Act entitled, "An Act to prevent the employment of persons under eighteen years of age as messengers at certain times and places, and to provide for the punishment of the violation of this Act," introduced and read first time.

S. B. No. 137, a Bill for an Act entitled, "An Act to amend Section 840 of the Compiled Laws of the State of Montana," introduced and read first time.

Sub. for S. B. No. 56, a Bill for an Act entitled, "An Act to promote industrial education," introduced and read first time.

READING OF SENATE JOINT MEMORIALS.

S. J. M. No. 10, relating to the disposition of coal lands by the United States, introduced and read first time.

S. J. M. No. 11, relating to the Reciprocity Trade Agreement between Canada and the United States, introduced and read first time.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

Mr. President announced it his painful duty to inform the Joint Assembly of the death of Mrs. W. G. Conrad.

On motion of Nolan a committee of three was appointed to draft suitable resolutions expressing the condolence of the Joint Assembly to Mr. Conrad on the death of his wife.

Mr. President thereupon appointed the following committee:

Representative Nolan, Senator Meyer and Representative Dobell.

The rolls of the Senate and House were called.

All the members of the Senate were found present except those paired.

All the members of the House were found present except those paired.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett,

Kessler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—12.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For W. R. Allen—Burlingame and Sykes—2.

For Frank Eliel—Larson—1.

Total—26.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Baker, Blackburn, Crouch, Dobell, Duffly of Granite, Duffy of Silver Bow, Ebert, Gillis, Johnson of Lewis and Clark, Law, Lissner, Macdonald, McNally, O'Flynn, Reel and Mr. Speaker—16.

For T. H. Carter—Bernard, Blake, Eliel, Gray, Grubb, Hewett, Hickey, Holter, Paul, Rodgers, Schwartz, Story, Swick and Williams—14.

For W. R. Allen—Bell and Higgins—2.

For Frank Eliel—Burt, Jacobson, Moore of Valley, Murray, Ralston, Reser, Slayton, Stevens and Vaughan—9.

For R. Lee Word—Owenhouse—1.

For C. B. Nolan—Tuttle—1.

For Frank Woody—Word—1.

Total—59.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	26
For W. G. Conrad	20
For Frank Eliel	10
For W. R. Allen	4
For R. Lee Word	1
For C. B. Nolan	1
For Frank Woody	1
Total	85
Senate paired:	
Conrow-McCone	2
House paired:	
Alley-English,	
Hayes-Holt,	
Herbold-Tolman,	
Jordan-Kammerer,	
McMurry-Roberts,	

McQuitty-Sarter,
Nelson-Wheeler of Cascade..... 14

Grand total.....101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Hewett the House took a recess at 12:15 o'clock P. M. until 1:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 1:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

SECOND READING OF SENATE BILLS.

S. B. No. 166, read second time by title only, and referred to Committee on Education.

S. B. No. 163, read second time by title only and referred to Committee on Mines and Mining.

S. B. No. 162, read second time by title only, and referred to Committee on Affairs of Cities.

S. B. No. 161, read second time by title only, and referred to Committee on Education.

S. B. No. 137, read second time by title only, and referred to Committee on Education.

Sub. for S. B. No. 56, read second time by title only, and referred to Committee on Education.

SECOND READING OF SENATE JOINT MEMORIALS.

S. J. M. No. 10, read second time by title only and referred to Committee on Federal Relations.

S. J. M. No. 11, read second time by title only and referred to Committee on Federal Relations.

No objections being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred House Joint Memorial No. 12, introduced by Bernard, being a Memorial "Memorializing Congress of the United States to create a commission whose duties it shall be to classify and segregate all agricultural lands in forest reserves in the United States," beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal to whom was referred House Bill No. 300, introduced by Rodgers, being a Bill for an Act entitled, "An Act concerning Building and Loan Associations and to provide for their organization and defining the purpose and powers thereof, and providing penalties for the violation of this Act," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 384, introduced by Gillis, being a Bill for an Act entitled, "An Act to amend Section 3847 of the Revised Statutes of Montana, 1907, relating to the place of holding meetings of stockholders and Boards of Directors of Corporations," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 350, introduced by Higgins, being a Bill for an Act entitled, "An Act to amend Section 3887 of the Revised Codes of Montana in relation to corporations making non-assessable stock assessable, and repealing Section 3888 of the Revised Codes of Montana," beg leave to report the same back to the House with the recommendation that it do pass.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 378, introduced by Sarter, being a Bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of One thousand ($1000.00) Dollars for reimbursement of moneys deposited as evidence of good faith in bidding upon contract," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Majority report: Binnard, Gillis, Gray, Lissner and Macdonald from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We, the undersigned members of the Committee on Townships and Counties, being a majority membership of said Committee, having had

under consideration Senate Bill No. 128, introduced by Donlan, being a Bill for an Act entitled, "An Act fixing the time for the opening and closing of saloons in unincorporated cities, towns and villages and providing penalties," report the same back to the House with the recommendation that the same be not concurred in.

Minority report: Berry, Bell and Reser from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We, the undersigned members of the Committee on Townships and Counties, being a minority membership of said Committee, respectfully report having been present at the meeting at which said Committee had under consideration Senate Bill No. 128, desire to recommend that the same be concurred in.

Binnard moved the adoption of the majority report.

Rodgers moved as a substitute motion that the minority report be adopted.

Upon roll call the Minority Report of the Committee on Townships and Counties was adopted by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Donohue, Ebert, Eliel, Grubb, Herbold, Hewett, Hickey, Jacobson, Johnson of Ravalli, Jordan, Law, Moore of Valley, Murray, Nelson, O'Hern, Paul, Ralston, Reser, Rodgers, Slayton, Story, Tuttle, Vaughan, Whaley, Williams, Woody and Word—37.

Noes—Binnard, Crouch, Dobell, Duffy of Silver Bow, Gillis, Gray, Hayes, Higgins, Holter, Johnson of Lewis and Clark, Kirschwing, Lissner, Macdonald, McNally, Moore of Silver Bow, O'Flynn, Reel, Roberts, Sarter, Schwartz, Swick and Wheeler of Silver Bow and Mr. Speaker —23.

Absent and not voting—Byrnes, Duffy of Granite, English, Holt, Kammerer, McMurry, McQuitty, Martin, Nolan, Owenhouse, Stevens, Tolman and Wheeler of Cascade—13.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 377, introduced by Lissner, being a Bill for an Act entitled, "An Act to provide for the sale of personal property by persons, firms, corporations or others, who have expended work and labor thereon," beg leave to report the same back to the House with the following amendment: After the word "demand" in the last line of Section 1, insert the following: "Provided, however, that nothing in this act shall be construed as applying to pawnbrokers or junk dealers as being in conflict with any law relating to pawnbrokers or junk dealers," and as so amended they recommend that said bill do pass.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

Your Committee on Military Affairs to whom was referred House

Bill No. 415, introduced by O'Hern, being a Bill for an Act entitled, "An Act to provide for the service of a clerk to the Adjutant General of the State of Montana and fixing the compensation of said Clerk," after due consideration beg leave to report same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

We your Committee on State Boards and Officers to whom was referred House Bill No. 407, introduced by Rodgers, being a Bill for an Act entitled, "An Act to provide for the creation of a Board to be known as the "Montana State Board of Fire Insurance Commissioners," and to prescribe and fix their duties and terms of office, and to provide for their compensation, and to provide for the regulation of Fire Insurance rates within the State of Montana, and to prevent unreasonable fire insurance rates or unreasonable premiums upon Fire Insurance Policies, and prescribing penalties for the violation of this Act," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Bords and Officers reported as follows:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred House Bill No. 411, a Bill for an Act entitled, "An Act relating to the care of orphan children; extending and defining the duties of the State Bureau of Child and Animal Protection, providing for an additional deputy in said Bureau and defining his duties, and fixing his compensation," beg leave to report that after having had the same under consideration recommend that it do pass.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

We, your Committee on State Boards and Officers to whom was referred House Bill No. 417, introduced by O'Hern, being a Bill for an Act entitled, "An Act to amend Section 1665 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of a clerk to the Secretary of the State Bureau of Child and Animal Protection," beg leave to report after having had the same under consideration, recommend that it do pass.

Report adopted.

No objection being offered, Mr. Speaker reverted back to the Second Order of Buriness.

NOTICE OF BILLS.

By Duffy of Silver Bow: A Bill to regulate the payment of accrued insurance or services by Mutual Burial Associations.

Mr. Speaker at this time announced that he had added Woody of Missoula to the Committee on Enrollment.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 20th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has asked for the recall of House Bill No. 12, for further consideration.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file, by unanimous consent without previous notice having been given:

By Eliel, H. B. No. 419: A Bill for an Act entitled, "An Act appropriating money to enforce the provisions of the Act entitled, "An Act to create the office of State Sealer of Weights and Measures, and providing the duties and powers relative to the inspection and sealing of weights and measures, and providing penalties for the violation thereof."

By Eliel, H. B. No. 420: A Bill for an Act entitled, "An Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly."

By Committee on Appropriations, by unanimous consent, without previous notice, H. B. No. 421: An Act appropriating money for the payment of deficiency claim for the maintenance of the National Guard, and expense of Adjutant General's Office, authorized by the State Board of Examiners.

By Committee on Appropriations, by unanimous consent, without previous notice, H. B. No. 422: A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account requisitions."

By Committee on Appropriations, by unanimous consent, without previous notice, H. B. No. 423: A Bill for an Act entitled, "An Act appropriating money for the payment of the claim of certain persons for expenses incurred in transporting prisoners to the Penitentiary during the year 1909."

By Committee on Appropriations, by unanimous consent, without previous notice, H. B. No. 424: A Bill for an Act entitled, "An Act appropriating money to defray expenses incurred by J. C. Lowney in serving on Commission to draft Liability and Compensation Acts."

By Committee on Appropriations, by unanimous consent, without previous notice, H. B. No. 425: A Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by Neil Collins in serving on Workingmen's Corporation Committee."

INTRODUCTION OF HOUSE JOINT RESOLUTION.

House Joint Resolution No. 9, introduced by Moore of Valley, complimenting the citizens of Missoula, and the Missoula Chamber of Commerce on the Red Apple Banquet.

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 419, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 420, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 421, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 422, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 423, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 424, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 425, read first and second times at length and referred to Committee on Appropriations.

READING OF RESOLUTIONS.

H. J. R. No. 9, relating to the trip to Missoula, read at length and unanimously adopted.

Wheeler of Silver Bow moved that the following named persons be certified as Committee Clerks from the time of their employment, except James Duffy, who will be certified as page by the Speaker and Chief Clerk, as follows:

Montana Duval, previously certified as Asst. Enrolling Clerk, now certified as Committee Clerk.

Mattie E. Utley, previously certified as Asst. Engrossing Clerk, now certified as Committee Clerk.

Frank E. Carleton, previously certified as Special Stenographer, now certified as Committee Clerk.

Charles Z. Pond, previously certified as Reading Clerk, now certified as Committee Clerk.

W. F. Brennan, previously certified as Doorkeeper, now certified as Committee Clerk.

E. F. Hanley, previously certified as Doorkeeper, now certified as Committee Clerk.

J. M. Woodside, previously certified as Janitor, now certified as Committee Clerk.

Joseph Murzlock, previously certified as Asst. Janitor, now certified as Committee Clerk.

John Mangle, previously certified as Asst. Janitor, now certified as Committee Clerk.

James McDonald, previously certified as Asst. Janitor, now certified as Committee Clerk.

W. A. Pater, previously certified as Substitute Doorkeeper, now certified as Committee Clerk.

Geo. Meyers, previously certified as Asst. Postmaster, now certified as Committee Clerk.

W. H. Bushnell, previously certified as Watchman, now certified as Committee Clerk.

William Brulo, previously certified as Messenger, now certified as Committee Clerk.

James Duffy, previously certified as Telephone Boy, now certified as Page.

Motion prevailed.

THIRD READING OF HOUSE BILLS.

H. B. No. 178, having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Dobell, Donohue, Eliel, Gray, Grubb, Herbold, Hewett, Hickey, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Swick, Tuttle, Whaley, Williams, Woody, Word and Mr. Speaker—48.

Noes—Alley, Higgins and Johnson of Ravalli—3.

Absent and not voting—Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Hayes, Holt, Holter, Kammerer, McMurry, McQuitty, Moore of Valley, Nolan, Ralston, Stevens, Story, Tolman, Vaughan, Wheeler of Silver Bow and Wheeler of Cascade—22.

Title agreed to.

The following letter was read by Blackburn, Chairman of Committee on Appropriations:

Helena, February 20, 1911.

Committee on Appropriations,
House of Representatives,
Helena, Montana.

Gentlemen: We hand you herewith a Bill authorizing the transfer of certain moneys now in the general fund to the credit of the maintenance account of certain state institutions. This is done simply as a matter of bookkeeping in order to prevent deficiency claims for the conduct of such institutions for the appropriation year ending February 28th, 1911. In all instances the money sought to be transferred, represents money received in connection with the conduct of such institutions which should have been by the Treasurer credited to the maintenance account of the institutions in each case. In the case of the State Prison, the money sought to have transferred is money which was received for the care of Federal prisoners, and in the case of the Insane Asylum, other than indigent patients.

We thoroughly understand the situation and are satisfied that these transfers should be made and would be much pleased if you would

see to it that the accompaning bill is at once introduced and successfully piloted through.

Yours respectfully,

(Signed) EDWIN L. NORRIS, President,
ALBERT J. GALEN,
A. N. YODER, Secretary.

In accordance with the above letter, Blackburn, by unanimous consent, was granted permission to introduce a bill without previous notice having been given.

Woody, Chairman pro tem from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment, to whom were referred House Bill No. 57, introduced by Bell, "A Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana, and providing for the transportation of pupils within the school district where they reside or from one district to another;" and

House Bill No. 81, introduced by Law, a Bill for an Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to the employment of city superintendent of schools, term of employment and sources of compensation;" and

House Bill No. 87, introduced by Berry, a Bill for an Act entitled, "An Act relating to qualifications of teachers and the granting of teachers certificates to graduates of the University of Montana;" and

House Bill No. 91, introduced by Eliel, a Bill for an Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of court in certain cases, and prescribing his or their duties and compensation;" and,

House Bill No. 122, introduced by Higgins, A Bill for an Act entitled, "An Act to amend Section 673 of the Revised Codes of the State of Montana of 1907, relating to the duties of the President of the University of the State of Montana, and of changing the date of filing anuual report;" and,

Substitute for House Bill No. 22, introduced by Committee on Affairs of Cities, a Bill for an Act entitled, "An Act to amend Section 3227 of the Revised Codes of Montana of 1907, relating to the establishment of fire departments," beg leave to report that the same are returned herewith correctly enrolled.

Mr. Speaker at this time announced that he was about to sign H. B. No. 57, a Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana, and providing for the transportation of pupils within the school districts where they reside or from one district to another, and signed same in the presence of the House.

Also H. B. No. 81, a Bill for an Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to the employment of city superintendent of schools, term of employment and sources of compensation," and signed same in the presence of the House.

Also H. B. No. 87, a Bill for an Act entitled, "An Act relating to

the qualifications of teachers and the granting of teachers certificates to graduates of the University of Montana," and signed same in the presence of the House.

Also H. B. No. 91, a Bill for an Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of court in certain cases, and prescrio ing his or their duties and compensation," and signed same in the presence of the House.

Also H. B. No. 122, a Bill for an Act entitled, "An Act to amend Section 673 of the Revised Codes of the State of Montana of 1907, relating to the duties of the President of the University of the State of Montana, and changing the date of filing annual report," and signed same in the presence of the House.

Also Substitute for H. B. No. 22, a Bill for an Act entitled, "An Act to amend Section 3227 of the Revised Codes of Montana of 1907, relating to the establishment of fire departments and signed same in the presence of the House.

THIRD READING OF HOUSE BILLS.

H. B. No. 128 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tuttle, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—55.

Noes—None.

Absent and not voting—Baker, Binnard, Byrnes, Duffy of Granite, English, Hayes, Holt, Kammerer, McMurry, McQuitty, Moore of Valley, Nolan, Schwartz, Stevens, Tolman, Vaughan, Whaley, and Wheeler of Cascade—18.

Title agreed to.

H. B. No. 66 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Brady, Burt, Crouch, Dobell, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, Martin, Moore of Silver Bow, Murray, Nelson, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Tuttle, Vaughan, Wheeler of Silver Bow, Woody, Word and Mr. Speaker —49.

Noes—None.

Absent and not voting—Berry, Blake, Byrnes, Donohue, Duffy of Granite, English, Gillis, Hayes, Holt, Kammerer, McMurry, McNally, McQuitty, Moore of Valley, Nolan, O'Hern, Rodgers, Stevens, Story,

Swick, Tolman, Whaley and Wheeler of Cascade and Williams—24.

Title agreed to.

H. B. No. 129 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Law, McNally, Martin, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tuttle, Vaughan, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—49.

Noes—None.

Absent and not voting—Baker, Berry, Brady, Byrnes, Duffy of Granite, Duffy of Silver Bow, English, Hayes, Higgins, Holt, Johnson of Ravalli, Kammerer, Kirschwing, Lissner, Macdonld, McMurry, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Stevens, Tolman, Whaley and Wheeler of Cascade—24.

Title agreed to.

H. B. No. 190 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Donohue, Ebert, Gray, Grubb, Hayes, Herbold, Hewett, Holter, Jordan, Law, Macdonald, McNally Martin, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Roberts, Sarter, Tuttle, Wheeler of Silver Bow, Woody, Word and Mr. Speaker—37.

Noes—Burt, Eliel, Hickey, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Nelson, Ralston, Reser, Schwartz, Slayton, Story, Swick, Vaughan and Williams—16.

Absent and not voting—Dobell, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Holt, Kammerer, Kirschwing, Lissner, McMurry, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Paul, Rodgers, Stevens, Tolman, Whaley and Wheeler of Cascade—20.

Title agreed to.

Mr. Speaker at this time announced that he was about to sign S. B. No. 91, a Bill for an Act entitled, "An Act to provide for procuring public records, the distribution of debts and assets, and pertaining to the collection of taxes on annexing territory to counties and municipalities, detached from other counties and municipalities," and signed same in the presence of the House.

Also S. B. No. 83, a Bill for an Act entitled, "An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana, relative to registration of births and deaths," and signed same in the presence of the House.

Also S. B. No. 118, a Bill for an Act entitled, "An Act prescribing the time within which every person, association, company, or corporation engaged in purchasing, smelting, milling, or otherwise preparing ores, minerals, or metals for market, for others, shall settle with and pay to the consignors thereof the amounts due thereon, and prescribing penalties for the violation of this Act," and signed same in the presence

of the House.

Also S. B. No. 106, a Bill for an Act entitled, "An Act to pay the increase of salary of the Second Assistant Examiner as provided for by appropriation," and signed same in the presence of the House.

H. B. No. 211, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Donohue, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Lewis and Clark Jordan, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nolan, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tuttle, Vaughan, Whaley, Williams, Woody, Word and Mr. Speaker—52.

Noes—Johnson of Ravalli and Law—2.

Absent and not voting—Blackburn, Dobell, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Holt, Kammerer, Kirschwing, McMurry, McQuitty, Murray, Nelson, O'Flynn, Owenhouse, Stevens, Tolman, Wheeler of Silver Bow and Wheeler of Cascade—19.

Title agreed to.

INTRODUCTION OF BILLS.

By Committee on Appropriations, H. B. No. 426: A Bill for an Act entitled, "An Act authorizing and directing the transfer of certain moneys in the general fund to the maintenance account of certain state institutions," introduced by unanimous consent and read first and second times at length and referred to Committee on Appropriations.

On motion of Binnard, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Wheeler of Silver Bow in the chair.

House resumed.

Mr. Speaker in the chair.

Wheeler of Silver Bow from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 145, a Bill for an Act entitled, "An Act to authorize cities to install upon any of their streets or avenues, any special system or systems of street lighting, and to assess the cost and expense of installing, maintaining and operating the same, or any part thereof, against the property directly benefited thereby," having had same under consideration beg leave to report same back to the House with the recommendation that it do pass as amnded.

Also having had under consideration House Bill No. 144, a Bill for an Act entitled, "An Act to increase the powers of cities by conferring upon City Councils the power to levy a special tax for the special purpose of installing an electric lighting system, provided the same shall have first been authorized by a majority of the taxpayers affected thereby," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 164, a Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of attachments," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 64, a Bill for an Act entitled, "An Act to amend Section 8380 of the Revised Codes of Montana of 1907, relative to the sale of intoxicating liquors, to minors, drunkards or Indians; and prohibiting the purchase by such persons of intoxicating liquors and providing penalties for the violation thereof," report same back to the House with the recommendation that it not pass.

Also having had under consideration H. B. No. 113, a Bill for an Act entitled, "An Act to amend Section 2760 of the Revised Codes of Montana of 1907, and to regulate the issuance of licenses to retail liquor dealers outside of the corporate limits of incorporated cities and towns," report same back to the House with the recommendation that it do pass without amendments.

Also having had under consideration H. B. No. 221, a Bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 200, a Bill for an Act entitled, "An Act to amend Section 7027 of the Revised Codes of Montana of 1907, relating to undertakings on attachments in Justice of the Peace Courts and to exceptions to the sufficiency of the sureties on the undertakings," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 214, a Bill for an Act entitled, "An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors and prescribing penalties," report same back to the House with the recommendation that it do pass as amended.

Wheeler of Silver Bow moved that the report of Committee of the Whole be adopted.

Binnard moved as a substitute that the report of the Committee of the Whole be adopted except as to House Bill No. 214, and that House Bill No. 214 be segregated from the report of the Committee of the Whole and do not pass.

Baker moved as a substitute motion that House Bill No. 214 be recommitted to the Committee of the Whole.

Substitute motion of Baker lost.

Substitute motion of Binnard lost.

Report of the Committee of the Whole adopted.

Jordan moved that the House adjourn until 10:00 o'clock tomorrow morning.

Story moved as a substitute motion to recess until 7:30 o'clock to night.

Substitute motion prevailed and the House took a recess at 5:40 o'clock P. M. until 7:30 o'clock P. M.

EVENING SESSION.

House reassembled at 7:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

On motion of Word and fifteen of the members present seconding same, a call of the House was had.

On motion of Macdonald further proceedings under the call of the House were dispensed with.

By order of the Steering Committee the following House Bills were placed on General Orders:

House Bills Nos. 299, Sub. for H. B. No. 339, Sub. for H. B. No. 146, H. B. No. 48, 242, 241, 228, 152, Sub. for H. B. No. 283, H. B. No. 212, 17, Sub. for H. B. No. 13, and H. B. No. 312.

Also House concurrence in Senate amendments to H. B. Nos. 86, 171 and 153.

On motion of Hewett the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Baker in the chair.

House resumed.

Mr. Speaker in the chair.

Baker from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred H. B. No. 77, A Bill for an Act to create and establish the Office of State Fire Marshal, to provide for his appointment, fix his salary and denfining his duties; and defining the duties and powers of certain other officials in relation thereto, having had same under consideration beg leave to report same back to the House with the recommendation that it be recommitted to the Committee on Insurance.

Also having had under consideration House Bill No. 167, A Bill for an Act entitled, "An Act authorizing the Montana Chlidren's Home Socitiey to take from the Orphnas' Home at Twin Bridges dependent children and place them in carefully selected homes for adoption, and to provide compensation for the placing and caring for them," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 186, a Bill for an Act entitled, "An Act to validate filings hertofore made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks of copies of Articles of Incorporations or of Charters of Statutes under which such corporations were formed, when such copies are true and correct copies but the same were not duly certified as such by the official custodian thereof in the Territory or State of Montana, or in any other State of Territory, and providing for a second filing of such Articles, Charters, or Statutes, and the fees to be paid therefor," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 130, a Bill for an Act entitled, "An Act requiring the County Assessor to furnish cer-

tified copies of his Assessment book as to all property within the limits of incorporated cities and towns, and providing for his remuneration therefor," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 169, A Bill for an Act entitled, "An Act to provide that aliens shall pay a gun license, and providing a penalty for failure to obtain a license; to provide for and regulate the duties of the Game and Fish Warden and his deputies, and to provide for the disposition of the fines so collected," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 235, A Bill for an Act entitled, "An Act to amend Section 4311 of the Revised 1907 Codes of Montana, relating to the liability for live stock killed or injured by the railroads, and providing the manner of giving notice and keeping record thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 293, a Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907, relating to free County High Schools," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 253, a Bill for an Act entitled, "An Act to amend Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana, entitled, 'Trust deposit and security corporations,' by adding thereto a Section which shall be designated as Section 3942-A of the Revised Codes of Montana, relating to the status, powers and term of existence of any corporation which has availed itself or attempted to avail itself of the benefits of the amendatory acts referred to in Section 3942 of the Revised Codes of Montana," report same back to the House with the recommendation that it do pass by title being amended.

Also having had under consideration House Bill No. 299, a Bill for an Act entitled, "An Act authorizing and regulating the sale of Game and Game Birds, and providing a penalty for the violation of this Act," report same back to the House with the recommendation that it do pass.

Also having had under consideration Substitute for House Bill No. 339, being Substitute for House Bills 79 and 65, a Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana, relating to licenses," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration Substitute for House Bill No. 146, a Bill for an Act entitled, "An Act to regulate Common Carriers, and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employes upon railway trains, and to confer upon the roalroad commission of Montana certain powers in relation thereto," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 48, a Bill for an Act entitled, "An Act providing for the appointment and prescribing

the duties of School Physicians," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 242, a Bill for an Act entitled "An Act to amend Section 1664 of the Revised Codes of Montana, as amended by Section 2 of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the secretary and deputies of the Bureau of Child and Animal Protection," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 241, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector," report same back to the House with the recommendation that it do pass as amended in title.

Report of the Committee of the Whole adopted.

Blackburn moved that the House adjourn until 10:30 o'clock tomorrow morning.

Vaughan moved as a substitute motion that the House adjourn until 10:00 o'clock tomorrow morning. Substitute motion lost.

Motion of Blackburn prevailed and the House adjourned at 10:30 o'clock P: M. to meet tomorrow at 10:30 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Fifty-First Day.

Tuesday, February 21, 1911

House met pursuant to adjournment at 10:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Blake, Higgins, McQuitty and Wheeler of Cascade.

On motion of Jordan the Journal of the Fiftieth Day as read was approved.

NOTICES OF BILLS.

By Nolan: A Bill for an Act entitled, "An Act providing for prosecuting actions against unknown persons for the purpose of quieting title to land."

REPORTS OF SELECT COMMITTEES.

The following report was received:

Mr. Speaker:

We, a majority of your Committee appointed pursuant to Senate Joint Resolution with reference to Primary Law, beg leave at this time to report a bill providing for the nomination of United States Senators as all State Officers are now nominated, and the placing of their names

upon the ballot at the general election, and providing the Oregon method of pledging the members of the Legislative Assembly to vote for the choice of the people as expressed in the general election, and we ask further time for the consideration of a primary law that shall nominate all elective officers in party primaries, as we have not at this time been able to agree upon such a law.

(Signed) THOS. M. EVERETT,
OWEN BYRNES,
R. J. MOORE.
JNO. HAYES,
J. M. BURLINGAME.

On motion of Word, report was adopted.

Woody offered the following motion:

Mr. Speaker:

I move that the House Committee on Privileges and Elections to whom was referred Senate Bill No. 2, "A Bill for an Act to provide for the holding of primary elections by political parties," be directed to embody in such bill the amendments recently made to the Iowa Primary Law by the Iowa Legislative Assembly, together with such other amendments as such committee may deem necessary and proper and that said committee report said bill with such amendments back to the House within twenty-four hours.

Alley moved as a Substitute motion that the motion of Woody be laid on the table.

Upon roll call the Substitute motion to table was carried by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blackburn, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Eliel, English, Hewett, Hickey, Holz, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Lissner, McNally, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tuttle, Whaley, Word and Mr. Speaker—41.

Noes—Berry, Binnard, Brady, Ebert, Gray, Grubb, Herbold, Law, McMurry, Martin, Moore of Silver Bow, O'Hern, Tolman, Vaughan, Wheeler of Silver Bow, Williams and Woody—17.

Absent and not voting—Baker, Blake, Donohue, Duffy of Silver Bow, Gillis, Hayes, Higgins, Johnson of Ravalli, Kammerer, Macdonald, McQuitty, Paul, Reel, Stevens, Wheeler of Cascade—15.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 342, 294, 324, 391, 376, 282 and 346, beg leave to report same as correctly printed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 144, introduced by Berry, a Bill for an Act entitled, "An Act to

increase the powers of cities by conferring upon city councils the power to levy a special tax for the special purpose of installing an electric lighting system, provided the same shall have first been authorized by a majority of the taxpayers affected thereby," and

House Bill No. 221, introduced by Byrnes, a Bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars," as being correctly engrossed.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 125, by Groff, a Bill for an Act entitled, "An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of Rocky Mountain Spotted Fever and appropriating money therefor," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 422, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account requisitions," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 390, by Blackburn, a Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 408, by Story, a Bill for an Act entitled, "An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigating Committee and authorizing the payment of the same," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

We, your Committee on Appropriations, to whom was referred Senate Bill No. 20, introduced by Whiteside, a Bill for an Act entitled, "An Act to appropriate money for the measurement of streams and watersheds and the compilation of data pertaining to the use and conservation of the waters of Montana," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 343, introduced by Story, a Bill for an Act entitled, "A Bill to appropriate money to pay the expenses of the members of the Twelfth Legislative Assembly and Committees thereof, in investigating the condition and value of the property of Mitchell & Musigbrod used in the care of the insane of the State of Montana," having had said bill under consideration, beg leave to report the same back to the House with the recommendation it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 358, by O'Hern, an Act entitled, "An Act providing for the establishment of a State Board of Poultry Husbandry, prescribing the duties of such Board and appropriating money therfor," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adoptel.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 420, by Eliel, a Bill for an Act entitled, "An Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 425, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by Neil

Collins in serving on Workingmen's Compensation Committee," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 421, by Committee on Appropriations, "An Act appropriating money for the payment of deficiency claims for the maintenance of the National Guard and expense and Adjutant General's office, authorized by the State Board of Examiners," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 424, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money to defray the expense incurred by J. C. Lowney in serving on commission to draft liability and compensation acts," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 426, by Committee on Appropriations, a Bill for an Act entitled, "An Act authorizing and directing the transfer of certain moneys in the general fund to the maintenance account of certain State Institutions," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 418, introduced by Blackburn, an "Act appropriating money for the payment of the deficiency claims and salary of the members of the Supreme Court, the District Judges of the State, and the County Attorneys of the State, for the quarter ending February 28th, 1911," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 419, introduced by Eliel, a Bill for an Act entitled, "An Act appropriating money to enforce the provisions of the act entitled 'An Act to create the office of State Sealer of Weights and Measures and providing the duties and powers relative to the inspection and sealing of weights and measures and providing penalties for the violation thereof,' " having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 77, introduced by Byrnes, the same being a Bill for an Act entitled, "A Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary and defining his duties; and defining the duties and powers of certain other officials in relation thereto," report the same back to the House by making the following amendments:

Amend by striking out in line 71, Section 12, all the words after "may be" and insert after the words "may be" the following words: "proceeded against in any court of competent jurisdiction as for contempt." Strike out all of Section 15.

In Section 14 strike out all the words in line 82 after the word "occurred."

In Section 17 at line 1001 amend by inserting after the word "marshal" the following: "If the owner or occupant deems himself aggrieved by the order of the State Fire Marshal he may appeal to any court of competent jurisdiction in the county in which the property burned is situated," and as amended recommend that it do pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 398, introduced by Rodgers, entitled, "A Bill for an Act entitled, appropriating money for the payment of a claim against the State of Montana for loss arising from the slaughtering of diseased animals, under the provisions of Sections 1841 and 1842 of the Revised Codes of Montana of 1907," herewith refer the bill back to the House with the recommendation that the same do not pass.

Report adopted.

Also Herbold from the Committee on Live Stock and Public Ranges reported as follows:

Mr. Speaker:

We your Committee on Live Stock and Public Ranges to whom was referred House Bill No. 416, introduced by this Committee, entitled, "An Act to appropriate the sum of One Thousand ($1,000.) Dollars, or so much thereof as may be necessary to pay the per diem and mileage

of the members of the Joint Committee to investigate the affairs of the State Board of Stock Commissioners, and to pay the mileage and per diem of witnesses required to testify before said committee, and providing for the payment thereof, and for other purposes," beg leave to report the bill back to the House with the recommendation that the bill do pass.

Report adopted.

INTRODUCTION OF BILLS.

Blackburn was granted unanimous consent to introduce three appropriation bills and Eliel was granted unanimous consent to introduce an appropriation bill, without previous notice having been given.

The following bills were introduced and placed on file:

By a majority of the Joint Conference Committee appointed under Senate Concurrent Resolution No. 3, H. B. No. 427: A Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the State, in the same manner as candidates for State Officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidates will support for United States Senator if elected," and to amend Section 545 of the Revised Codes so as to provide for placing on the official ballot the names of candidates for United States Senator.

By Bell, H. B. No. 428: A Bill for an Act entitled, "An Act prohibiting the admission of children to public dance houses or halls or to any concert saloon and providing penalties for the violation thereof."

By Committee on Appropriations, H. B. No. 429: A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expenses of the director of the State Fish Hatchery."

By Committee on Appropriations, H. B. No. 430: "An Act appropriating money for the payment of deficiency claims for expense of State Treasurer."

By Committee on Appropriations, H. B. No. 431: A Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the State Prison during the year ending March 1, 1911."

By Martin, H. B. No. 432: "A Bill for an Act to amend Sections 3176 and 3177 of the Revised Codes of Montana of 1907, relating to fees to Justices of the Peace and Constables.

By Schwartz (By request), H. B. No. 433: A Bill for an Act entitled, "An Act to amend Sections 6513, 6515 and 6518 of the Revised Codes of Montana, 1907, relating to the commencement of actions,

the issuance, directing of and contests of summons, and the service and return thereof."

By Grubb, H. B. No. 434: A Bill for an Act entitled, "An Act to confer upon the Board of Railroad Commissioners of the State of Montana, authority to compel the erection and construction of stations or platforms along the line of railways within the State of Montana."

By Eliel, H. B. No. 435: A Bill for an Act entitled, "An Act to appropriate money to purchase certain appliances for the office of State Examiner and to defray certain expenses of said office."

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 427, read first and second times by title only, and referred to the Committee on Printing.

H. B. No. 428, read first and second times by title only, and referred to Committee on Education.

H. B. No. 429, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 430, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 431, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 432, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 433, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 434, read first and second times by title only, and referred to Committee on Railroads and Transportation.

H. B. No. 435, read first and second times at length and referred to Committee on Appropriations.

MOTIONS AND RESOLUTIONS.

Dobell moved that this House adjourn after the Joint Session tomorrow and after suitable resolutions have been adopted respecting the death of Mrs. W. G. Conrad.

Berry moved as an amendment that the House recess until 7:30 P. M. tomorrow after the Joint Session and after suitable resolutions have been adopted respecting the death of Mrs. W. G. Conrad.

Amendment lost.

Motion of Dobell prevailed.

The hour of 11:45 o'clock having arrived, the Chief Clerk called the roll and found all members present except those paired.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 241, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector," and

House Bill No. 214, introduced by Bell, a Bill for an Act entitled,

"An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors and prescribing penalties," and

House Bill No. 113, introduced by Moore of Valley, a Bill for an Act to amend Section 2760 of the Revised Codes of Montana of 1907, and to regulate the issuance of licenses to retail liquor dealers outside of the corporated limits of incorporated cities and towns," and

Substitute House Bill No. 339, substitute for House Bills Nos. 79 and 65, introduced by Judiciary Committee, a Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana of 1907, relating to licenses," as being correctly engrossed.

Also Woody, Chairman pro tem from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 86, introduced by B. K. Wheeler of Silver Bow, a Bill for an Act entitled, "An Act defining and relating to wage broker; regulating assignment of wages and salaries as security for loans and fixing a maximum rate of interest for loans upon wages and salaries and providing penalties for violation thereof," and

House Bill No. 127, introduced by Macondald, a Bill for an Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent poor, sick and infirm, and

House Bill No. 28, introduced by Gillis, a Bill for an Act entitled, "An Act appropriating money for the payment to Conley and McTague Company of the amount due it for property belonging to it within the prison walls and adjacent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana," beg to report the same are returned herewith properly enrolled.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present, except those paired.

The President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the folowing result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kess-

ler, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—11.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For Robt. Vaughan—Burlingame—1.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—Everett, Larson, McCone and Sykes—4.

For Frank Woody—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Byrnes, Johnson of Ravalli, Kirschwing, McMurry, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, and Mr. Speaker—20.

For T. H. Carter—Bernard, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jordan, Moore of Valley, Murray, Paul, Ralston, Rodgers, Slayton, Stevens, Story, Swick and Williams—20.

For W. R. Allen—Bell, Burt, Johnson, Reser and Schwartz—5.

For Frank Woody—Owenhouse—1.

For Robt. Vaughan—Roberts and Vaughan—2.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—65.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	31
For W. G. Conrad	23
For W. R. Allen	9
For Robert Vaughan	3
For Frank Woody	2
For T. M. Swindlehurst	1
For W. F. Meyer	1
For C. B. Nolan	1
Total	93
House paired: Blake-Donohue, Higgins-Word, McQuitty-Sarter, Nelson-Wheeler of Cascade	8
Grand total	101

The President thereupon announced no election and on motion of Senator Donlon the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Rodgers moved that the House recess until 2:00 o'clock P. M.

Story moved as an amendment that the House recess until 1:30 o'clock P. M. Amendment carried, and the House took a recess at 12:15 o'clock P. M. until 1:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 1:30 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 276, 372, 374, 379 and 295 and House Substitute Bill No. 116 beg leave to report same as correctly printed.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 20th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced he was about to sign Senate Bills Nos. 83, 106, 118, 91 and Substitute for Senate Bill 59, and same were signed in open session.

Respectfully,

NATHAN CODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 20th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, Senate Bill No. 45, introduced by Edwards, having been read a third time and passed as amended, is herewith returned for your concurrence in Senate Amendment.

Also: Senate Bill 149, introduced by Sykes, Senate Bill No. 132, introduced by Leighton, and Senate Bill No. 132, introduced by Edwards, having been read three several times and passed is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

READING OF SENATE BILLS.

S. B. No. 149, a Bill for an Act entitled, "An Act to amend Section 6746 of the Revised Codes of the State of Montana, 1907, and re-

pealing all laws in conflict herewith, in relation to the procedure in District Courts in the matter of instructing juries and making and preserving exceptions thereto," read first and second times by title only and referred to Committee on Judiciary.

S. B. No. 132, a Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of 1907, relating to exemptions from taxation," read first and second times by title only, and referred to Committee on Judiciary.

S. B. No. 152, a Bill for an Act entitled, "An Act to amend Section 3003 and Section 3257 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money by County Treasurers, and City Treasurers of cities of the first and second class, and for the furnishing of official bonds by such officers," read first and second times by title only, and referred to Committee on Banks and Banking.

Mr. Speaker at this time announced that he was about to sign S. B. No. 1, an Act to provide for an apportionment of membership and representation of the several counties of Montana in the House of Representativs of the Legislative Assembly of Montana and to fix the number of members thereof, and signed same in the presence of the House.

Baker moved that when the House adjourns this afternoon, it recess until 7:30 o'clock. Motion lost.

Binnard moved that when the House adjourns this afternoon it adjourn at 6:00 o'clock. Motion carried.

THIRD READING OF HOUSE BILLS.

H. B. No. 144 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Brady, Burt, Crouch, Donohue, Duffy of Granite, Ebert, Eliel, Gray, Grubb, Hewett, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, Owenhouse, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle Whaley Williams, Woody, Word and Mr. Speaker—46.

Noes—None.

Absent and not voting—Alley, Berry, Blake, Byrnes, Dobell, Duffy of Silver Bow, English, Gillis, Hayes, Herbold, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, McMurry, McNally, McQuitty, O'Flynn, O'Hern, Reel Rodgers, Stevens, Vaughan, Wheeler of Silver Bow and Wheeler of Cascade—27.

Title agreed to.

H. B. No. 221 having been read three several times was passed by the following vote:

Ayes—Baker, Bell, Binnard, Blackburn, Byrnes, Crouch, Donohue, Ebert, Hewett, Kammerer, Kirschwing, Law, Macdonald, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, Owenhouse, Rals-

ton, Reser, Roberts, Schwartz, Story, Tolman, Tuttle, Whaley, Woody, Word and Mr. Speaker—31.

Noes—Asbridge, Burt, Eliel, Gray, Johnson of Ravalli, Jordan, Martin, Paul, Sarter, Slayton, Swick and Williams—12.

Absent and not voting—Alley, Bernard, Berry, Blake, Dobell, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Lissner, McMurry, McNally, McQuitty, O'Flynn, O'Hern, Reel, Rodgers, Stevens, Vaughan, Wheeler of Silver Bow and Wheeler of Cascade—30.

Title agreed to.

H. B. No. 241 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Donohue, Duffy of Granite, Ebert, Eliel, Gray, Hayes, Herbold, Hewett, Hickey, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, Owenhouse, Paul, Ralston, Reel, Reser, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Williams, Woody, Word and Mr. Speaker—52.

Noes—None.

Absent and not voting—Baker, Blake, Dobell, Duffy of Silver Bow, English, Gillis, Grubb, Higgins, Holt, Holter, Lissner, McMurry, McNally, McQuitty, O'Flynn, O'Hern, Roberts, Rodgers, Stevens, Wheeler of Silver Bow, and Wheeler of Cascade—21.

Title agreed to.

H. B. No. 214, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blackburn, Brady, Burt, Byrnes, Donohue, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, McMurry, Moore of Valley, Murray, Nelson, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—48.

Noes—Baker, Binnard, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Johnson of Lewis and Clark, Kammerer, Lissner, McNally, Moore of Silver Bow, Nolan, Reel, Stevens, Swick and Whaley—16.

Absent and not voting—Blake, Dobell, Gillis, Higgins, McQuitty, Martin, O'Flynn, Rodgers, and Wheeler of Cascade—9.

Title agreed to.

H. B. No. 113, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hickey, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, Lissner, Macdonald, McMurry, McNally, Moore of Silver

Bow, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—58.

Noes—None.

Absent and not voting—Blake, Dobell, Gillis, Hewett, Higgins, Holter, Kammerer, Kirschwing, McQuitty, Martin, O'Flynn, Stevens, Swick, Tuttle, and Wheeler of Cascade—15.

Title agreed to.

Sub. for H. B. No. 339 having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Byrnes, Crouch, Donohue, Duffy of Granite, Ebert, Eliel, English, Gray, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Johnson of Lewis and Clark, Law, Macdonald, McMurry, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nolan, Owenhouse, Paul, Ralston, Reel, Roberts, Sarter, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Word, and Mr. Speaker—46.

Noes—Burt, Jacobson, Johnson of Ravalli, Jordon, Reser, Rodgers, Schwartz, Slayton, Stevens, Story, Swick and Williams—12.

Absent and not voting—Blake, Dobell, Duffy of Silver Bow, Gillis, Grubb, Higgins, Kammerer, Kirschwing, Lissner, Martin, Nelson, O'Flynn, O'Hern, and Wheeler of Cascade and Woody—15.

Title agreed to.

The following communication was received from the Steering Committee:

Mr. Finlay McRae,

Chief Clerk, House of Representatives.

Sir: Please place the following business on General Orders:

Senate Bills Nos. 51, 134, 96, 93, 66 and 35; House Joint Memorials Nos. 8, 10, 11, 6 and 12, and House Bills Nos. 121, 391, 392, 148, 78, 271, 290, 103 and 111.

(Signed) BYRNES, Chairman.

On motion of Tolman the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Tolman in the chair.

House resumed.

Mr. Speaker in the chair.

Tolman, from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Amendments to House Bill No. 41, having had same under consideration, beg leave to report same back to the House with recommendation that the amendments be concurred in.

Also having had under consideration Senate Amendments to House Bill No. 171, report same back to the House with the recommendation that same be concurred in.

Also having had under consideration Senate Amendments to House Bill No. 153, report the same back to the House with recommendation that the same be concurred in.

Also having had under consideration H. B. No. 228, a Bill for an Act to amend Sections 8, 10, 22, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909. An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof and the management, protection and disposition of the timber growing thereon, and the coal, oil and minerals therein; providing for the management and control of the funds realized from the sale and rental of State Lands and the products thereof, naming and providing for certain officers' subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water-rights for use upon State lands; defining and providing for the punishment of certain offenses for violating the provisions of this Act, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 152, a Bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums and appliances for treatment of diseases, injury or deformity, and to provide for the licensing of vendors of the same," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration Sub. for H. B. No. 283, a bill for an Act entitled, "An Act fixing the salary of the Warden, Deputy Warden, Assistant Deputy Warden, Clerk, Physician, Matron, Captain of the the Guard and Guards of the State Prison of the State of Montana," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 212, a Bill for an Act entitled, "An Act to amend Section 268 of the Revised Codes of 1907, relating to the schedule of wages of persons employed in the operation of the heating plant at the State Capitol," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 17, a Bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley; to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties, compensation and term of office of the Judge of said Judicial District," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. for House Bill No. 13, a Bill for an Act in aid of the disability fund of fire departments in incorporated cities for relief of sick, injured and retired firemen, and the pensioning of the widows and orphans of deceased firemen, and assigning to said fund certain portions of the licenses derived by the State from fire insurance companies doing business within the State,

report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 312, a Bill for an Act entitled, "An Act to enable the Board of County Commissioners of counties of the first class to allow claims for services rendered at the special instance and request of county officers," report same back to the House with the recommendation that it do pass.

Also having had under consideration, Senate Bill No. 51, a Bill for an Act entitled, "An Act providing for the location, establishment, management, and conduct of the Montana State Fair, and repealing Chapter VIII, of Part III, Title V, of the Revised Codes of 1907." report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration Senate Bill No. 134, an Act entitled, "An Act to amend Section 1509 and Section 1564 of the Revised Codes of Montana, 1907, providing that sewage systems must be approved by the State Board of Health and relating to the pollution of water supply," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 96, a Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana 1907, relating to the classification of insurance corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 93, a Bill for an Act entitled, "An Act providing for a Juvenile Court Procedure, providing for the appointment of probation officers, outlining their duties and specifying their compensation, defining Juvenile Delinquent persons and a delinquent child, providing a lawful method of procedure against Juvenile Delinquents, their parents and guardians, specifying places for their temporary and permanent detention and the compensation for their care, providing for time and place of trial, providing methods and means to carry the provisions of this Act into effect. Repealing Sections 9423 to 9439 inclusive of the Revised Codes of the State of Montana for 1907," report same back to the House with the recommendation that it be concurred in as amended.

Tolman moved that the report of the Committee of the Whole be adopted.

Donohue moved as a substitute motion, that the report of the Committee of the Whole be adopted except as to House Bill No. 134, which shall be sent back to the Committee of the Whole. Substitute motion lost.

Motion of Tolman that the report of the Committee of the Whole be adopted, prevailed.

At this time Mr. Speaker announced that he was about to sign House Bill No. 86, a Bill for an Act entitled, "An Act defining and relating to wage-brokers; regulating assignment of wages and salaries as security for loans; and fixing a maximum rate of interest for loans

upon wages and salaries, and providing penalties for violation thereof," and signed same in the presence of the House.

Also House Bill No. 28, an Act entitled, "An Act appropriating money for the payment of Conley & McTague Company of the amount due it for property belonging to it within the prison walls and adjacent to the State Prison necessary to be used by the State in the Conduct and management of the State Prison at Deer Lodge, Montana," and signed same in the presence of the House.

No objection being offered, Mr. Speaker reverted back to the Second Order of Business.

NOTICES OF BILLS.

By McNally: A Bill for an Act to amend Section 911 of the Revised Codes of Montana of 1907, relating to common schools, and providing that the school trustees of any school district situated wholly or in part in any city of the first class, may establish free night schools, and prescribe courses of study therein, and providing for the admission of such free night schools of persons over the age of twenty-one years; and providing further for the admission to such free night schools of persons under the age of twenty-one years who may be prevented, for reasons satisfactory to said school trustees, from attending the regular day schools."

REPORTS OF STANDING COMMITTEES.

Martin, from the Committee on Engrossment, reported as follows: Mr. Speaker:

Your committee on Engrossment beg leave to report House Bill No. 164, introduced by O'Flynn, a Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of attachments," and

House Bill No. 293, introduced by Roberts, a Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907, relating to Free County High Schools," and

House Bill No. 253, introduced by Paul, an Act entitled, "An Act to amend Chapter 2, Title 2, Part 4, Division 1 of the Civil Code of Montana, entitled 'Trust Deposit and Security Corporations,' by adding thereto a section which shall be designated as Section 3942-A of the Revised Codes of Montana of 1907, relating to the status, powers and term of existence of any corporations which has availed itself or attemped to avail itself of the benefits of the amendatory Act referred to in Section 3942 of the Revised Codes of Montana," and

House Bill No. 169, introduced by Story, a Bill for an Act entitled, "An Act to provide that aliens shall pay a gun license, and providing a penalty for failure to obtain a license. To provide for and regulate the duties of the Game and Fish Warden and his deputies," and

House Bill No. 235, introduced by Byrnes, a Bill for an Act entitled, "An Act to amend Section 4311 of the Revised Codes of Montana, relating to the liability for livestock killed or injured by the railroads, and providing the manner of giving notice and keeping record thereof," and

Substitute House Bill No. 146, introduced by Committee on Railroads and Transportation, a Bill for an Act entitled, "An Act to regulate common carriers, and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employes upon railway trains, and to confer upon the Railroad Commissions of Montana certain powers in relation thereto," and

House Bill No. 130, introduced by Paul, a Bill for an Act entitled, "An Act requiring the County Assessor to furnish certified copies of his assessment book as to all property within the limits of incorporated cities and towns, and providing remuneration therefor," and

House Bill No. 48, introduced by Byrnes, a Bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of School Physicians," and

House Bill No. 200, introduced by O'Hern, a Bill for an Act entiteld, "An Act to amend Section 7027 of the Revised Codes of Montana of 1907, relating to undertaking on attachments in Justice of the Peace Courts and to exceptions to the sufficiency of the sureties on the undertakings," as being correctly engrossed.

Also, Martin from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 167, introduced by Word, a Bill for an Act entitled, "An Act authorizing the Montana Children's Home Society to take from the Orphan's Home at Twin Bridges, dependent children and place them in carefully selected homes for adoption and to provide compensation for the placing and caring for them," and

House Bill No. 186, introduced by Word, a Bill for an Act entitled, "An Act to validate filings heretofore made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks, of copies of articles of incorporations or of charters or statutes under which said corporations were formed, when such copies are true and correct copies, but the same were duly certified as such by the official custodian thereof in the Territory or State of Montana, or in any other State or Territory, and providing for a second filing of such articles, charters or statutes, and the fees to be paid therefor," and

House Bill No. 242, introduced by Macdonald, a Bill for an Act entitled, "An Act to amend Section 1664 of the Revised Codes of Montana, as amended by Section 2 of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection," and

House Bill No. 145, introduced by Woody, a Bill for an Act entitled, "An Act authorizing cities to install upon any of their streets or avenues, any special system or systems of street lighting, and to assess the cost and expense of installing, maintaining and operating the same, or any part thereof, against the property directly benefitted thereby," as being correctly engrossed.

Also Baker, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 426, beg leave to report same as correctly printed.

MESSAGES FROM THE SENATE.

The folowing communication was received from the Senate:

Senate Chamber, Helena, Montana, February 21, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Resolution No. 9, having been read and concurred in, is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Pursuant to the motion of Binnard, the House adjourned at 6:00 o'clock P. M., to meet tomorrow at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Fifty-Second Day.

Wednesday, February 22, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except O'Flynn, McQuitty and Nelson.

On motion of Reel the Journal of the Fifty-first Day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following letter was received:

Hamilton, Mont., Feb. 20th, 1911.

Mr. F. McRae,

Helena, Mont.

Kindly allow me to express, through you, the appreciation of myself and children, of the resolutions passed by the Twelfth Legislative Assembly upon the death of Mr. Crutchfield. The welfare of his State was second only to that of his home. Such words of kindness and esteem from his friends and associates touch me deeply.

I thank them.

Sincerely,

(Signed) Mrs. Chas. M. Crutchfield.

NOTICES OF BILLS.

By Roberts: A Bill for an Act entitled, "An Act to amend Section 8787 of the Revised Codes of the State of Montana of 1907, as amended by an act of the Eleventh Legislative Assembly, approved March 4th, 1909, relating to the protection and killing of wild game."

By Gillis: A Bill for an Act entitled, "An Act to prohibit the lighting of any passenger car or coach by means of oil, gas, electricity or other means, on any railroad in the State of Montana, during the passage of such passenger car or coach through tunnels."

By Duffy of Granite: A Bill for an Act entitled, "An Act placing the highways and bridges in all counties of the State of Montana, under the supervision and control of the County Surveyor, defining his powers and duties, fixing his compensation and abolishing the office of Road Supervisor in all counties."

By Gillis: A Bill for an Act entitled, "An Act to amend Section 3836 of the Revised Codes of Montana of 1907, relating to the organization of Boards of Directors of corporations, and repealing Section 3834 of the Revised Codes of Montana of 1907, and all acts and parts of acts in conflict herewith."

REPORTS OF STANDING COMMITTEES.

Byrnes, from the Committee on Railroads and Transportation, reported as follows:

Mr. Speaker:

Your committee on Railroads and Transportation to whom was referred House Bill No. 395, introduced by Blackburn, being a Bill for an Act entitled, "An Act to permit common carriers to carry free or at reduced rates, persons and property in certain cases," beg leave to report the same back to the House with the recommendation that the following amendments be made:

Amend Section 1, line 29, by inserting after the word "State" the words "officers, trustees, or employees of the State Fair," and with the above amendment we recommend that the bill do pass.

Report adopted.

Also, Blackburn, from the Committee on Appropriations, reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 431, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the State Prison during the year ending March 1, 1911," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also, Blackburn, from the Committee on Appropriations, reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 416, by Committee on Live Stock and Public Ranges, a Bill

for an Act entitled, "An Act to appropriate the sum of one thousand dollars, or as much thereof as may be necessary to pay the per diem and mileage of the members of the Joint Committee to investigate the affairs of the State Board of Commissioners, and to pay the mileage and per diem of witnesses as required to testify before said Committee, and providing for the payment thereof, and for other purposes," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also, Blackburn, from the Committee on Appropriations, reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 378 by Sarter, a Bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of One Thousand Dollars ($1,000), for reimbursements of moneys deposited as evidence of good faith in bidding upon contract," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also, Blackburn, from the Committee on Appropriations, reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 429, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expenses of the director of the State Fish Hatchery," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also, Duffy of Silver Bow, from the Committee on Mines and Mining, reported as follows:

Mr. Speaker:

We, your Committee on Mines and Mining to whom was referred Senate Bill No. 163, being a Bill for an Act entitled, "An Act to amend Section 1712, Revised Codes of the State of Montana, 1907, as amended by an act of the Eleventh Legislative Assembly, entitled, 'An Act to amend Sections 1711 and 1712 of the Revised Codes of the State of Montana of 1907, relating to the salaries of the Inspector and Deputy Inspector of Mines, and to provide for the salary of such Deputy Inspector of Mines,'" beg leave to report that after having had the same under consideration, recommend that it be concurred in.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By O'Flynn: H. B. No. 436, A Bill for an Act entitled, "An Act regulating the rate of interest which shall be charged in the State of Montana prohibiting usury, and providing penalties for the violation of this act."

By Nolan: H. B. No. 437, A Bill for an Act entitled, "An Act providing for prosecuting actions against unknown persons for the purpose of quieting title to land."

By Alley: H. B. No. 438, A Bill for an Act entitled, "An Act to amend Section 2756 of the Revised Codes of Montana, 1907, relating to the apportionment of moneys collected for licenses."

By McNally: H. B. No. 439, An Act entitled, "An Act to amend Section 911 of the Revised Codes of Montana, 1907, relating to common schools, and providing for the establishment and maintenance of free night schools in certain school districts."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 436, read first and second times by title only, and referred to Committee on Banks and Banking.

H. B. No. 437, read first and second times by title only, and referred to Committee on Judiciary.

H. B. No. 438, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 439, read first and second times by title only, and referred to Committee on Affairs of Cities.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 21st, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Senate Bill No. 1, and same was signed in open session.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 21st, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 66, introduced by Stevens, was this day read first and second time and referred to Committee on Insurance; also, House Bill No. 128, introduced by Donohue, was this day read first and second times and referred to Committee on Corporations other than Municipal; also House Bill No. 129, introduced by Story, was this day read first and second times and referred to Committee on Education; also House Bill No. 178, introduced by Blackburn, was this day read first and second times and referred to Committee on Corporations other than Municipal; also, House Bill No. 190, introduced by Wheeler of Silver Bow, was this day read first and second times and referred to Committee on Judiciary; and House Bill No. 211, introduced by Slayton, was this day read first and second times and referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 21, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 190, introduced by McCarthy, A Bill for an Act entitled, "An Act appropriating money to refund to Dave Anderson a deposit made in bidding for the construction of a building at the Montana Agricultural College at Bozeman, Montana." Referred to Committee on Finance and Claims. Note.—The above bill was introduced Saturday, February 18th, through error same was numbered 186, and is hereby corrected by numbering same 190.

Senate Bill No. 191, by Survant. A Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of county clerks." Referred to Committee on Counties, Towns and Municial Corporations.

Senate Bill No. 192, by Majority of the Senate Joint Conference Committee appointed under Senate Concurrent Resolution No. 3. A Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petition and providing that such candidates shall be voted for by the electors of the State, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the county clerk and recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected," and to amend Section 545 of the Revised Codes so as to provide for placing on the the official ballot the names of candidates for United States Senator. Referred to Committee on Elections and Privileges.

Senate Bill No. 193, by Muffly, the Minority of the Joint Conference Committee appointed under joint resolution. A Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the state, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Represenatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected," and to amend Section 545 of the Revised Codes so as to provide for placing on

the official ballot the names of candidates for United States Senator. Referred to Committee on Elections and Privileges.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 21st, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, without having given previous notice:

By Survant: A Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of county clerks."

By Majority of the Senate Joint Conference Committee, appointed under Joint Resolution No. 1. A Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petition and providing that such candidates shall be voted for by the electors of the States, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected," and to amend Section 545 of the Revised Codes so as to provide for placing on the official ballot the names of candidates for United States Senator.

By Muffly, the Minority of the Senate Joint Conference Committee, appointed under Joint Resolution. A Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the state, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected," and to amend Section 545 of the Revised Codes so as to provide for placing on the official ballot the names of candidates for United States Senator.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 21st, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bil No. 166, by Nolan, having been read three several times and concurred in is herewith returned to the House; also Senate Bill No. 174, and Senate Bill No. 8, introduced by McCune; Senate Bill No. 97, introduced by Whiteside; also Senate Bill No. 104, by McCarthy, and Senate Bill No. 148, introduced by Christopher, having been read three several times, are herewith transmitted for your concurrence; also Substitute for Senate Bill No. 68, introduced by Survant, having been read three several times, considered engrossed and passed, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

The vote by which Senate Bill No. 45 was concurred in was reconsidered and Senate Bill No. 45 was placed on General File for concurrence in Senate Amendments.

READING OF SENATE BILLS.

S. B. No. 174, a Bill for an Act entitled, "An Act to establish a State Game Preserve for the protection of antelope and other game animals and game birds, and providing penalties for the violation thereof," read first and second times by title only, and referred to Committee on Fish and Game.

S. B. No. 148, a Bill for an Act entitled, "An Act to amend Section 4242 of the Revised Codes of Montana of 1907, relating to the filling of vacancies in the membership of Cemetery Associations and increasing the membership thereof," read first and second times by title only, and referred to Committee on Affairs of Cities.

S. B. No. 104, a Bill for an Act entitled, "An Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salaries and expenses of the State Examiner, his Assistants, Deputies and Clerks, and providing for the appointment of a Deputy therefor," read first and second times by title only, and referred to Committee on Banks and Banking.

S. B. No. 97, a Bill for an Act entitled, "An Act to amend Section 8555 of the Revised Codes of Montana of 1907, relating to the selling of liquor at retail within five miles of grading camps, and to prohibit the selling, furnishing or giving away of any spirituous or malt liquors, wines or cider, or other beverages containing intoxicating liquor within five miles of any Chautauqua or grounds or buildings reserved, set apart or used for any religious, benevolent, charitable, educational, literary or scientific undertakings and fixing penalties for the violation of the same," read first and second times by title only, and referred to Committee on Townships and Counties.

Senate Bill No. 8, an Act entitled, "An Act to amend Sections 2240, 2241, 2242, 2244, 2248 and 2249, Revised Codes of 1907, relating to the Carey Land Act Board, and to provide for an Assistant Secretary

of said Board," read first and second times by title only, and referred to Committee on State Boards and Officers.

Substitute for S. B. No. 68, a Bill for an Act entitled, "An Act providing for the creation of election precincts and for the registration of electors in county, cities, towns and school districts, and providing penalties for the violation therefor," read first and second times by title only, and referred to Committee on Privileges and Elections.

THIRD READING OF SENATE BILLS.

S. B. No. 51, having been read three several times, was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blackburn, Brady, Byrnes, Ebert, Eliel, English, Grubb, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Moore of Valley, Murray, Nolan, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Word and Mr. Speaker—44.

Noes—None.

Absent and not voting—Berry, Binnard, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Gillis, Gray, Hickey, Higgins, Law, Lissner, Macdonald, McMurray, McNally, McQuitty, Martin, Moore of Silver Bow, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Stevens, Wheeler of Silver Bow and Woody—29.

Title agreed to.

S. B. No. 134, having been read three several times, was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blackburn, Brady, Byrnes, Duffy of Granite, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Johnson of Lewis and Clark, Kammerer, Kirschwing, Lissner, Martin, Moore of Valley, Nolan, Owenhouse, Ralston, Roberts, Rodgers, Sarter, Schwartz, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Word and Mr. Speaker—42.

Noes—Burt, Jacobson, Johnson of Ravalli, Jordan, McMurry, Reel, Reser and Slayton—8.

Absent and not voting—Berry, Binnard, Blake, Crouch, Dobell, Donahue, Duffy of Silver Bow, Gillis, Higgins, Law, Macdonald, McNally, McQuitty, Moore of Silver Bow, Murray, Nelson, O'Flynn, O'Hern, Paul, Stevens, Tolman, Wheeler of Silver Bow, and Woody—23.

Title agreed to.

S. B. No. 96, having been read three several times, was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Brady, Byrnes, Dobell, Ebert, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Story, Swick, Tolman,

Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word, and Mr. Speaker—51.

Noes—None.

Absent and not voting—Baker, Berry, Blake, Burt, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Herbold, Higgins, Johnson of Ravalli, McNally, McQuitty, Nelson, O'Flynn, Paul, Rodgers, Slayton, and Wheeler of Silver Bow—22.

Title agreed to.

Martin from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report Substitute House Bill No. 41, substituting House Bill No. 41, introduced by Committee on Live Sock and Public Ranges, a Bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes of 1907, relative to bounties for the killing of certain wild animals," and

House Bill No. 171, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana, relating to conditional sale and the filing of contract notes," and

House Bill No. 153, introduced by Eliel, a Bill for an Act to amend Section 2345 Revised Codes of 1907, relating to salary of Chief of Police," as being correctly engrossed.

Also, Woody, Chairman pro tem from the Committee on Enrollment, reported as follows:

Mr. Speaker:

I beg leave to report hat I have this day submitted to the Governor for his consideration,

House Bill No. 57, introduced by Bell, "A Bill for an Act to amend Section 877 of the Revised Codes of the State of Montana, and providing for the transportation of pupils within the school district where they reside, or from one district to another."

House Bill No. 81, introduced by Law, a Bill for an Act entitled, "An Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to the employment of City Superintendents of Schools, term of employment and sources of compensation."

House Bill No. 87, introduced by Berry, a Bill for an Act entitled, "An Act relating to qualifications of teachers and the granting of teachers' certificates to graduates of the University of Montana."

House Bill No. 91, introduced by Eliel, "A Bill for Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of court in certain cases, and prescribing his or their duties and compensation."

House Bill No. 122, introduced by Higgins, a Bill for an Act entitled, "An Act to amend Section 673 of the Revised Codes of the State of Montana of 1907, relating to the duties of the President of the University of the State of Montana, and of changing the date of filing annual report," and

Substitute for House Bill No. 22, introduced by Committee on Affairs of Cities, a Bill for an Act entitled, "An Act to amend Section

3227 of the Revised Codes of Montana of 1907, relating to the establishment of fire departments."

Also, Woody, Chairman pro tem from the Committee on Enrollment, reported as folows:

Mr. Speaker:

I beg leave to report that I have this day submitted to the Governor for his consideration, House Bill No. 86, introduced by B. K. Wheeler of Silver Bow, a Bill for an Act entitled, "An Act defining and relating to wage broker; regulating assignment of wages and salaries as security for loans and fixing a maximum rate of interest for loans upon wages and salaries and providing penalties for violation thereof."

House Bill No. 127, introduced by Macdonald, a Bill for an Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent poor, sick and infirm;" and

House Bill No. 28, introduced by Gillis, a Bill for an Act entitled, "An Act appropriating money for the payment to Conley & McTague Company, of the amount due it for property belonging to it within the prison walls and adjacent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana."

Also, Baker, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 420, 310, 319, 370, 360, 371, 385, 367, 382, 364 and 387 and Substitutes for House Bills Nos. 336 and 192, beg leave to report same as correctly printed.

THIRD READING OF SENATE AMENDMENTS.

Senate Amendment to Substitute for H. B. No. 41, was adopted by the following vote:

Ayes—Alley, Asbridge, Bell, Binnard, Brady, Burt, Byrnes, Crouch, Duffy of Granite, Ebert, Eliel, English, Gray, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, Moore of Silver Bow, Moore of Valley, Murray, Nolan, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Story, Tolman, Tuttle, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—49.

Noes—None.

Absent and not voting—Baker, Bernard, Berry, Blackburn, Blake, Dobell, Donohue, Duffy of Silver Bow, Gillis, Grubb, Higgins, McMurry, McNally, McQuitty, Martin, Nelson, O'Flynn, O'Hern, Rodgers, Slayton, Stevens, Swick, Vaughan and Wheeler of Silver Bow—24.

Senate Amendment to H. B. No. 171 was adopted by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Brady, Burt, Byrnes, Crouch, Dobell, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of

Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, Martin, Moore of Valley, Murray, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—51.

Noes—None.

Absent and not voting—Baker, Blackburn, Blake, Donohue, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Higgins, Kammerer, McMurry, McNally, McQuitty, Moore of Silver Bow, Nelson, Nolan, O'Flynn, O'Hern, Slayton, Stevens, Swick and Wheeler of Silver Bow—22.

Senate Amendment to H. B. No. 153 was adopted by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donahue, Ebert, Eliel, English, Gray, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Lissner, Macdonald, Martin, Moore of Silver Bow, Moore of Valley, Murray, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Baker, Berry, Blake, Duffy of Silver Bow, Duffy of Granite, Gillis, Grubb, Higgins, Johnson of Ravalli, Kammerer, McMurry, McNally, McQuitty, Nelson, Nolan, O'Flynn, Reel, Slayton, Stevens—19.

On motion of O'Hern S. B. No. 93, which was up for third reading, was recommitted to the Committee of the Whole.

S. B. No. 167, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Berry, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Eliel, English, Gray, Grubb, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Law, Lissner, Macdonald, McMurry, Martin, Moore of Valley, Murray, Nolan, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Williams, Word and Mr. Speaker—47.

Noes—Baker, Binnard, Duffy of Granite, Ebert, Jordan, Kirschwing, McNally, Moore of Silver Bow, O'Hern, Sarter, Schwartz, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Woody—15.

Absent and not voting—Bernard, Blake, Duffy of Silver Bow, Gillis, Hayes, Higgins, Kammerer, McQuitty, Nelson, O'Flynn, Rodgers—11.

Title agreed to.

H. B. No. 186, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer,

Kirschwing, Law, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—59.

Noes—Johnson of Ravalli and Reser—2.

Absent and not voting—Berry, Blake, Crouch, Donahue, Grubb, Hayes, Higgins, Lissner, Macdonald, McQuitty, Nelson, O'Flynn—12.

Title agreed to.

The hour of 11:45 having arrived, the Chief Clerk called the roll and found all members present except those paired.

No objection being offered, the following report from the Committee on Printing was received:

Mr. Speaker:

Your committee on Printing to whom was referred House Bill No. 427, introduced by a Majority of the Joint Conference Committee appointed under Senate Concurrent Resolution No. 3, being a Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions or by certificate and petition, and providing that such candidate shall be voted for by the electors of the State, in the same manner as candidates for State offices, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for members of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected, and to amend Section 545 of the Revised Codes so as to provide for placing on the official ballot the names of candidates for United States Senator," beg leave to report having had same under consideration, and report the bill back to the House with the recommendation that the same do pass.

Report adopted.

REPORT OF STANDING COMMITTEES.

McNally from the Committee on Labor, reported as follows:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 402, entitled, "An Act to amend Section 9728 and Section 9729 of the Revised Codes of the State of Montana of 1907, relating to labor and employment of convicts," beg leave to report that they recommend that it do pass.

Report adopted.

Also, Blackburn from the Committee on Appropriations, reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House

No. 351, by Bernard, a Bill for an Act entitled, "An Act for the establishment of a Sub-station in Horticulture, and for the purpose of carrying on experimental work in same, in Lincoln County, Montana," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass, but that the Lindfield plan be pursued as in the case of dry farming.

Report adopted.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except those paired.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley —12.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—Burlingame and Sykes—2.

For C. N. Pray—Everett and McCone—2.

For Frank Woody—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Reel and Mr Speaker—18.

For T. H. Carter—Bernard, Blake, Burt, English, Gray, Grubb, Hewett, Hickey, Holter, Jacobson, Moore of Valley, Paul, Ralston, Roberts, Rodgers, Schwartz, Slayton, Story, Swick and Williams—20.

For W. R. Allen—Bell—1.
For C. S. Hartman—Byrnes and Owenhouse—2.
For Theodore Brantley—Higgins—1.
For Dr. Donald Campbell—Jordan, Murray and Stevens—3.
For C. N. Pray—Reser—1.
For W. F. Meyer—Tolman—1.
For C. B. Nolan—Tuttle—1.
For H. C. Smith—Vaughan—1.
For Frank Woody—Word—1.
Total—65.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	32
For W. G. Conrad	21
For W. R. Allen	3
For C. N. Pray,	3
For Dr. Donald Campbell	3
For Frank Woody	2
For C. S. Hartman	2
For T. M. Swindlehurst	1
For Theodore Brantly	1
For W. F. Meyer	1
For H. C. Smith	1
For C. B. Nolan	1
Total	93
House paired:	
Eliel-O'Flynn,	
McQuitty-Sarter,	
Hayes-Holt,	
Nelson-Wheeler of Cascade	8
Grand total	101

The President thereupon announced no election.

The following report of the Committee appointed to draft resolutions on the death of Mrs. W. G. Conrad was received:

RESOLUTIONS OF CONDOLENCE.

Mrs. Fanny E. Conrad, wife of W. G. Conrad, departed this life the twentieth of February, Nineteen Hundred and Eleven, leaving surviving her, a husband and four children.

She was born in Rappahannock County, Virginia, in 1853 and came to Montana in 1876, immediately after her marriage, where she lived continuously until her death. During her stay here she resided first at Fort Benton, afterwards at Great Falls, and recently at Helena where she died. This, in brief, is the story of her life, but in that life, with prodigal liberality, were blended noble deeds, generous im-

pulses, charitable acts and lofty aspirations. Reared and educated in the Southland, in a marked degree she exhibited those sterling traits which give to that portion of our country merited distinction. Fortunate in the possession of wealth, she used it unsparingly to relieve meritorios distress, and in every movement inaugurated for this purpose, she was bountiful in her generosity.

Rarely gifted and richly endowed with gracefulness and charm, for her no sacrifice was too great and no personal toil too severe, provided the goal contemplated higher ideals; and the sterling worth of the citizenry of this State, in no small measure reflects the patient perseverance of worthy women of whom she was a faithful exemplar. If to relieve want, to mitigate sorrow, restore sunshine when Life's pathway is immersed in gloom, if to dispel envy and revive hope when despair asserts sway, be factors to authorize perpetual remembrance, fortunate indeed was Mrs. Conrad in the light of her many benefactions, when in the late afternoon of her life, she surrendered her spirit to the God who gave it, and left behind her the sweet aroma of an exalted Christian name. Of her it might be truthfully said:

"There fell upon the house a sudden gloom;
A Shadow on those features fair and thin.
And softly from that hushed and darkened room,
Two angels issued where but one went in."

Resolved that in her life those influences which exalt our nature found full expression, and in her death our State has suffered the loss of a noble woman; and we tender to the bereaved family our sincere sympathy in their great affliction; and

Resolved further that both Houses do immediately reconvene upon dissolution of this joint session, and as a mark of respect, they do thereupon immediately adjourn for the day.

C. B. NOLAN,
W. F. MEYER,
J. L. DOBELL,
Committee.

Resolutions unanimously adopted by rising vote.

On motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Law the House adjourned at 12:30 o'clock P. M. to meet tomorrow at 10 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Fifty-Third Day.

Thursday, February 23, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except McQuitty.

On motion of Tuttle the Journal of the Fifty-second Day as read was approved.

NOTICES OF BILLS.

By Jordan—A Bill entitled, "An Act to provide for the legal definitions and standards of food products in the State of Montana, relating to the manufacture or sale of adulterated, misbranded or otherwise unlawful articles of food."

REPORTS OF SELECT COMMITTEES.

The following report was received:

REPORT OF JOINT COMMITTEE.

Helena, Montana, February 16, 1911.

To the Honorable Senate and House of Representatives
of the State of Montana.

Gentlemen: We, your Committee duly and regularly appointed for the purpose of investigating and reporting upon the sanitary conditions, and the conditions of ventilation of the mines in this State, especially of Butte, respectfully report as follows:

The entire Committee visited the City of Butte on January fifth, 1911, arriving there at 2:55 P. M., and upon arrival notified the different managers of the mines, and also the officers of the Butte Miners' Union, that our mission was to investigate the sanitary and ventilating conditions of the mines, and inform them that the Committee would proceed with the investigation the following morning.

On the following morning at nine thirty A. M. accompanied by Mr. John Gillie, General Superintendent of the Amalgamated mines, B. H. Bunshee, Assistant Superintendent of the Company; J. C. Adams, Superintendent of the Boston and Montana Consolidated Mining Company; Thomas Mitchell, foreman of the Leonard mine; D. D. Sullivan, President of the Butte Miners' Union, and Joseph Guelfi, Vice President of the Butte Miners' Union.

The Committee inspected the change room or dry room, where they found six hundred lockers for the use of the men employed, in which to change their clothes, with cement floors, shower baths and wash rooms. The Committee was very favorably impressed with the fact that the Companies were doing what they could to prevent the men from exposure.

We were then lowered to the twelve hundred foot level of the Leonard Mine and we were shown doors installed for the purpose of

changing the course of air. We were then lowered to the fourteen hundred foot level and went through stope No. 1623 to the eighteen hundred foot level. At the cross-cut No. 1803 the temperature there registered 73 degrees, and at the breast 82 degrees; then we went through the eighteen hundred foot level to the West Colusa mine, and Comanche air shaft. We were then taken to the surface for lunch. After lunch the Committee went through several stopes and drifts of the Mountain View and Pennsylvania mines. The temperature of the water dropping from the back of the crosscut No. 1813 of the Pennsylvania was 76 degrees.

After coming to the surface the Committee were taken to the engine room and shown the safety appliances on the engine to prevent the cages or skips from going into the sheave wheels.

On January seventh the Committee, accompanied by the officers of the Miners' Union, went to the Original mine, and we were lowered to the two thousand foot level to the pump station, temperature at this point was 73 degrees; through stope No. 2101, temperature registered 88 degrees. Climbed through stopes and drifts of Gagnon and Original mines to twenty-four hundred foot level of the Original mine, where the temperature in the west drift was 78 degrees. Went up surface for lunch. After lunch the Committee went to the plant of the Great Falls Power Company, near the High Ore mine, and to the compresor room of the Diamond mine, and then to the Speculator mine of the North Butte Mining Company, where they were lowered to the sixteen hundred foot level, accompanied by Mr. John Pope, Manager, and Mr. Dan Courtney, foreman, and went through stope No. 1816. On the twentieth floor the temperature was 80 degrees. Then we went to No. 1826 raise where the temperature was 80 degrees; then through stope No. 1838, three hundred feet west of No. 1816 where the temperature was 72 degrees; then to eighteen hundred foot level and climbed down raise No. 2018, through the stope where the temperature was 80 defrees, and then to the two hundred foot level station where the temperature was 78 degrees, and from this point to surface, when the Committee after a consultation with the officers of the companies and the Miners' Union concluded that they had been shown through the best and worst places that both parties had to show them, and decided to leave for Helena to continue the investigation at a later date upon some course that the majority of the Committee might determine.

On January tenth, the Committee met pursuant to call of the Chairman. Chairman Leighton called the meeting to order, and stated that he had telephoned the President of the Butte Miners' Union, and was informed that the Union would meet that night. On motion, duly seconded, the Chairman was authorized and instructed to request the Butte Miners' Union to appoint one of their members from each of the following mines:

Original, Stewart, Gagnon, Mountain Con, Bell & Diamond, East Grey Rock, Speculator, Badger, Buffalo, High Ore, Never Sweat, Anaconda, St. Lawrence, Colorado, Pennsylvania, Tramway, Silver Bow,

West Calusa, Leonard, Pittsmont, Blackrock, Elm Orlu, to appear before this Committee to give such evidence as they might wish, each of said members to be working in the mine he represents; also to notify the managemnts of those properties, of the action taken.

The Chairman thereupon notified the Butte Miners' Union of the action of the Committee, as above set forth; whereupon the Butte Miners' Union informed the Chairman that they preferred sending a committee of five or six to appear before this joint committee.

Whereupon, at the request of the Butte Miners' Union, the Committee caused to be summoned to appear before them the following witnesses: Dan Holland, Jacob Oliver, J. C. Lowney, John Vickers, Dan D. Supllivan, Joseph Guelfi, John Driscoll, James McQuire, John Daly, Patrick Cloonan and William Walsh. Other witnesses appearing before the Committee were Dr. P. H. McCarthy, John Gillie, John D. Pope, Dr. W. F. Maginn, Dr. T. J. Murray and W. B. Orem.

Whereupon on January 24th the Committee was called to order by the Chairman, and Chairman Leighton made the following statement as to what testimony should be adduced before the Committee.

Gentlemen: There is one thing that I wish to state, and that is this, that in the testimony that will be given by the various witnesses here, I wish that it would be confined absolutely to those two conditions that this joint Committee is called upon to thoroughly investigate and inquire into, and those are the sanitary conditions of the mines of the State, especially of Butte, and the conditions of ventilation. In our other meetings that we have had and those whom we have met, especially at the meeting in Butte, they seemed to drift off from those two subjects and wandered into other things. As we are now to begin taking testimony pertainnig to those two subjects, we cannot allow extraneous matter to be brought in, but only evidence pertaining to these two subjects, sanitary conditions and the conditions of ventilation; and we propose to subpoena and bring before this Committee other miners from Butte, as many as we see fit, and also the mine owners or any man whom we think can bring us any information in regard to this matter, for it is the object of the Committee and it is the desire of the Twelfth Legislative Assembly that we should get to the bottom of this matter and see if we cannot enact some law, or in some manner correct those things that seem to be prevailing over there that are wrong. Consequently, I ask those who take the witness stand to remember that we cannot allow anything but that pertaining to those two subjects.

Whereupon the following witnesses were called, duly sworn and testified: P. J. Duffy, Dan Holland, Jacob Oliver and J. C. Lowney.

Whereupon, on January 30th the Committee was called to order by the Chairman, and the following witnesses were called, duly sworn and testified: John Vickers, Dan D. Sullivan, Joseph Guelfi, John Driscoll.

Whereupon, on January 31st, the Committee was called to order by the Chairman, and the folowing witnesses were called, duly sworn and testified: Dr. P. H. McCarthy, James McQuire, John Daly, Pat-

rick Cloonan, John Gillie and John D. Pope.

Whereupon, on February 1st the Committee was called to order by the Chairman, and the following witnesses were called, duly sworn, and testified: James McQuire, Dr. W. F. Maginn, Dr. T. J. Murray and William Walsh.

Whereuopn, on February 8th the Committee was called to order by the Chairman, and Mr. W. B. Orem was called, duly sworn and testified.

After considering all the testimony adduced before us, and after due deliberation, we respectfully submit our conclusions as follows:

We find that the Companies of Butte are endeavornig to perfect their ventilation and sanitary conditions. The mining sanitary cars are to be installed in all of the mines in Butte, some already being in use.

The testimony of Mr. Gillie shows that the following mines have been installed with fans in the last year:

	Cubic Feet Minute.
1200 Pensylvania	60,000
Mitchell shaft	40,000
Gambetta shaft	40,000
1600 Leonard	60,000
Rarus air shaft	90,000
1700 Tramway	73,000
1200 Tramway	50,000
Gagnon air shaft	36,000
Green Mt. shaft	54,000
Parnell shaft	75,000
Corra shaft	75,000
Original shaft	50,000
East Stewart shaft	50,000
Total	753,000

From the testimony of Mr. John Gillie, Mr. John Pope, Mr. William Walsh, State Mine Inspector, and Mr. W. B. Orem, Deputy Mine Inspector, it will be seen that raises are being put in all the mines to produce better ventilation. Mr. Gillie, Superintnedent of the Amalgamated Company, and Mr. Pope, Superintendent of the North Butte Mining Company assured the Committee that they were endeavoring to have the mines properly ventilated and the sanitary conditions perfected; their testimony shows that it is to the interest of the Companies to bring about good sanitary conditions, and ventilating conditions. The preponderance of the testimony of the miners themselves shows that the operators in Butte are making a systematic effort to improve the sanitary and ventilating conditions in that district.

The Committee summoned to appear before them three able physicans from the city of Butte, who had performed many autopsies on these miners who were supposed to have died from the so-called Miner's Consumption. Their testimony definitely proves that the con-

ditions of the mines cannot alone produce consumption, but that the occupation of a miner is such, due to absence of sunshine and natural surface conditions that it tends to so weaken and irritate the lungs that a miner is more liable to contract the disease called consumption, and for this reason tuberculosis is more prevalent in a mining community than elsewhere.

The testimony taken upon the several hearings held by your Committee has been transcribed and is herewith submitted and made a part of this report.

Your Committee also submits and presnts herewith a suitable Bill for an Act, which your Committee believes might tend to correct any troubles complained of and recommended to the consideration of the Legislature.

Respectfully submitted,

I. A. LEIGHTON,
Chairman of Senate Committee.

P. J. DUFFY,
Chairman House Committee.

On motion of Duffy of Granite the report was adopted.

REPORT OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 421, 401 and 427 beg leave to report same as correctly printed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 312, introduced by Binnard, a Bill for an Act entitled, "An Act to enable the Board of County Commissioners of counties of the first class to allow claims for services rendered at the special instance and request of county officers," and

House Bill No. 212, introduced by Williams, a Bill for an Act entitled, "An Act to amend Section 268 of the Revised Codes of 1907, relating to the schedule of wages of persons employed in the operation of the Heating Plant of the State Capitol," and

House Bill No. 17, introduced by Moore of Valley, a Bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley, to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties, compensation and term of office of the Judge of said Judicial District," as being correctly engrossed.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 435, by Eliel, a Bill for an Act entitled, "An Act to appropriate

money to purchase certain appliances for the office of State Examiner and to defray expenses of said office," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 423, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payemnt of the claim of certain persons for expenses incurred in transporting prisoners to the penitentiary during the year 1909," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Duffy of Silver Bow from the Committee on Mines and Mining reported as follows:

Mr. Speaker:

Your Committee on Mines and Mining to whom was referred House Bill No. 397, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and the Board of Examiners for Coal Mine Foreman and Mine Boss," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 439, introduced by McNally, a Bill for an Act entitled, "An Act to amend Section 911 of the Revised Codes of Montana, 1907, relating to common schools, and providing for the establishment and maintenance of free night schools in certain school districts, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 438, introduced by Alley, a Bill for an Act entitled, "An Act to amend Section 2756 of the Revised Codes of Montana of 1907, relating to the apportionment of moneys collected for licenses," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the bill be amended as follows:

Amend Section 1, line 11, by inserting after the words, "County

Treasurer," the words, "as follows, fifty-five per cent thereof to the State Treasurer for the use of the State and forty-five per cent thereof," and that as amended the bill do pass.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 394 by Alley, a Bill for an Act entitled, "An Act amending Section 3206 of the Revised Codes of the State of Montana, 1907, relating to the classification of cities and towns," having had said bill under consideration beg leave to report the same back to the House with the recommendation that the bill do pass.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

We, your Committee on Railroads and Transportation to whom was referred House Bill No. 67, introduced by Tolman, being a Bill for an Act relating to the speed of trains carrying live stock, beg leave ot report same back to the House with the recommendation that it be referred to the Committee on Livestock and Public Ranges.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We, your Committee on Corporations other than Municipal, having had under consideration House Bill No. 218, introduced by Berry, being a Bill for an Act entitled, "An Act relating to the rights of the State of Montana in and to the waters of the state, including the beds of bodies of water, and relating to the use of water for power and other purposes," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We, your Committee on Corporations other than Municipal, having had under consideration House Bill No. 413, introduced by Word, being a Bill for an Act entitled, "An Act providing the conditions under which Foreign Mortgage and Loan Corporations or Joint Stock Companies may transact business in the State of Montana," beg leave to report same back to the House with the recommendation that it do pass.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

We, your Committee on Corporations other than Municipal, having

had under consideration House Bill No. 315, introduced by Kirschwing, Brady and Story, (Special Committee) being a Bill for an Act entitled, "An Act providing for the payment of compensation to certain employees for accidental injuries suffered in the course of their employment, and defining the rights, remedies and liabilities of certain employers and employees," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

On motion of Swick, H. B. No. 315 was ordered printed.

INTRODUCTION OF BILLS.

The Committee on Appropriations was granted unanimous consent to introduce an appropriation Bill, and Ebert was granted unanimous consent to introduce a Bill without previous notice having been given.

The following bills were introduced and placed on file:

By Committee on Appropriations, H. B. No. 440: A Bill for an Act entitled, "An Act to appropriate money for the payment of the claim of certain persons for expenses incurred by the State Board of Examiners for Coal Mine Inspector, for the year ending February 23, 1911."

By Duffy of Granite, H. B. No. 441: "A Bill for an Act placing the highways and brdiges in all counties of the State of Montaan under the supervision and control of the County Surveyor, defining his powers and duties, fixing his compensation, and abolishing the office of Road Supervisor in all Counties."

By Roberts, H. B. No. 442: An Act entitled, "An Act to amend Section 8787 of the Revised Codes of the State of Montana, 1907, as amended by an Act of the Eleventh Legislative Assembly, approved March 4, 1909, relating to the protection and killing of wild game."

By Ebert, H. B. No. 443: A Bill for an Act entitled, "An Act giving to lessors of farm lands, a lien upon the crops grown upon the leased premises for the rent of such premises."

By Gillis, H. B. No. 444: An Act entitled, "An Act to amend Section 3836 of the Revised Codes of Montana, 1907, relating to the organization of Boards of Directors of corporations, and repealing Section 3834 of the Revised Codes of Montana, 1907, and all Acts and parts of Acts in conflict herewith."

By Duffy of Granite, H. B. No. 445: A Bill for an Act entitled, "An Act to confer upon the Board of Railroad Commissioners of the State of Montana authority to compel the lighting and ventilation of all tunnels within this State, which are used by steam railroads."

READING OF BILLS.

The following bills were taken from the file:

H. B. No. 440, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 441, read first and second times by title only, and referred to Committee on Highways.

H. B. No. 442, read first and second times by title only, and re-

ferred to Committee on Fish and Game.

H. B. No. 443, read first and second times by title only, and referred to Committee on Agriculture.

H. B. No. 444, read first and second times by title only, and referred to Committee on Corporations other than Municipal.

H. B. No. 445, read first and second times by title only, and referred to Committee on Railroads and Transportaption.

MOTIONS AND RESOLUTIONS.

Tolman offered the following motion:

Mr. Speaker:

I move that House Bill No. 207, being a Bill for an Act to define and punish lobbying, which said bill has been in the hands of the Committee on Corporations other than Municipal since January 25th, be now referred to Committee on State Institutions, Public Buildings and Grounds.

Motion prevailed.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 23, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State the following House Bills:

House Bill No. 57, An Act to amend Section 877 of the Revised Codes of the State of Montana and providing for transportation of pupils within the school district where they reside or from one district to another.

House Bill No. 81, an Act to amend Section 989 of the Revised Codes of Montana of 1907, relating to the employment of city superintendent of schools, term of employment, and sources of compensation.

House Bill No. 87, an Act relating to qualifications of teachers and granting of teachers' certificates to graduates of the University of Montana.

House Bill No. 91, an Act to authorize the appointment of one or more commissioners for the admeasurement and division of water under a decree or decrees of court in certain cases, and prescribing his or their duties and compensation.

House Bill No. 122, an Act to amend Section 673 of the Revised Codes of the State of Montana, 1907, relating to the duties of the President of the University of Montana and of changing the date of filing annual report.

House Bill No. 127, an Act to amend Section 2055 of the Revised Codes of Montana, relating to the care and maintenance of the indigent poor, sick and infirm.

(Signed:) EDWIN L. NORRIS,
Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 22, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign House Bills Nos. 57, 81, 87, 91, 122, 28, 86 and Substitute House Bill 22, and same were signed in open Session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 22, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion, duly adopted, Senate asked for the recall of Senate Bill No. 2, introduced by Everett, and the Secretary is hereby instructed to notify the House.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 22, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill and Joint Resolution, were this day introduced without having given previous notice:

By Committee on Stock Growing and Grazing: A Bill for an Act entitled, "An Act to provide for the Construction of fences and cattle guards along the right of way of any railroad, and to provide for the amount of damages to be recovered from any railroad corporation for stock killed and providing penalties for the violation thereof."

By Whiteside: A Senate Joint Resolution, relatnig to a strip of land on Flathead Lake, lying between high and low water mark, and leased by the State Board of Land Commissioners for private purposes.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate

Senate Chamber, Helena, Montana, February 22, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills and Senate Joint Resolution was this day introduced, read first and second times and referred:

Senate Joint Resolution No. 5, by Whiteside: Relating to a strip of land on Flathead Lake, lying between high and low water mark, and leased by the State Board of Land Commissioners for private purposes. Referred to Committee on Public Lands.

Senate Bill No. 194, by Committee on Stock Growing and Grazing: A Bill for an Act entitled, "An Act to provide for the construction of fences and cattle guards along the right of way of any rail-

road, and to provide for the amount of damages to be recovered from any railroad corporation for stock killed and providing penalties for the violation thereof." Referred to Printing Committee.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 22, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 113, introduced by Moore of Valley, was this day read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Also, House Bill No. 144, introduced by Berry, was this day read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Also, House Bill No. 214, introduced by Bell, was this day read first and second times, and referred to Committee on Corporations other than Municipal.

Also, House Bill No. 221, introduced by Byrnes, was this day read first and second time and referred to Committee on Corporations other than Municipal.

Also, House Bill No. 241, introduced by Committee on Appropriations, was this day read first and second time and referred to Committee on Finance and Claims.

Also House Joint Resolution No. 8, introduced by Asbridge, was this day read first and second time and referred to Committee on Printing.

And Substitute House Bill No. 339, Substitute for House Bills Nos. 79 and 65, introduced by Judiciary Committee was this day read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 22, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 124, introduced by Everett, by request, having been read three several times and passed is herewith transmitted for your concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 22, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 12, introduced by Law; House Bill No. 34, introduced by Donohue; House Bill No. 220, introduced by Donohue, and House

Substitute Bill No. 38, Substituting House Bill No. 38, introduced by Committee on Live Stock and Public Ranges, all of above, having been read three several times and amended and concurred in as amended, are herewith returned for concurrence in Senate Amendments.

Also, Senate Bill 172, introduced by Selway; Senate Bill No. 173, introdlced by Donlan, and Senate Bill No. 181, introduced by Edwards, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Mr. Speaker at this time announced that he was about to sign S. B. No. 51, a Bill for an Act entitled, "An Act providing for the location, establishment, management and conduct of the Montana State Fair, and repealing Chapter VIII, of Part III, Title V of the Revised Codes of 1907," and signed same in the presence of the House.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 400, beg leave to report same as correctly printed.

The following was received from the Steering Committee:

To the Chief Clerk of the House of Representatives:

Place Joint Conference Committee Bill No. 427 on General Orders.

Steering Committee.

(Signed:) EDWARDS,
BYRNES.

READING OF SENATE BILLS.

S. B. No. 124, a Bill for an Act entitled, "An Act to create and establish a department of banking; to provide for the appointment of a superintendent of Banks and Bank Examiners and fixing their compensation; defining the powers and duties of such Superintendent of Banks and Examiners; to provide for a system of examination, audit and control of state banks, savings banks, trust companies, building and loan associations, individual bankers, private banks and banking associations, other than national banks; fixing the fees for examination under the provisions of this act, and providing penalties for the violation thereof," read first and second times by title only and referred to Committee on Banks and Banking.

S. B. No. 181, a Bill for an Act entitled, "An Act validating the organization and incorporation of the Yellowstone Irrigation District in the County of Rosebud and the corporate acts of the said district and providing for the issue and sale of the bonds thereof," read first and second times by title only, and referred to the Committee on Corporations other than Municipal.

S. B. No. 172, a Bill for an Act entitled, "An Act to regulate the sale of irrigable state lands capable of reclamation under any canal or proposed canal or other irrigation system," read first and second times by title only, and referred to Committee on Irrigation and Water

Rights.

S. B. No. 173, a Bill for an Act entitled, "An Act to amend Section 4198 of the Revised Codes of Montana, concerning Building and Loan Associations," read first and second times by title only, and referred to Committee on Corporationes other than Municipal.

Tolman moved that Sub. for H. B. No. 38 be returned to the Senate for correction of the history of the title of the Bill. Motion prevailed.

THIRD READING OF HOUSE BILLS.

H. B No. 242 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Brady, Crouch, Dobell, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, O'Hern, Owenhouse, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Wheeler of Silver Bow, Woody, Word and Mr. Speaker —48.

Noes—Blake, Higgins, Johnson of Ravalli, Ralston, Swick, Vaughan and Williams—7.

Absent and not voting—Burt, Byrnes, Duffy of Silver Bow, Ebert, Gillis, Lissner, McQuity, Nelson, Nolan, O'Flynn, Paul, Reel, Reser, Stevens, Tolman, Tuttle, Whaley and Wheeler of Cascade—18.

Title agreed to.

H. B. No. 145 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, McMurry, McNally, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Owenhouse, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—51.

Noes—Hickey, Higgins, Johnson of Ravalli, Martin, and Rodgers—5.

Absent and not voting—Berry, Donohue, Duffy of Silver Bow, Gillis, Law, Lissner, Macdonald, McQuitty, Nolan, O'Flynn, O'Hern, Paul, Reel, Stevens, Tuttle, Whaley and Wheeler of Silver Bow—17.

Title agreed to.

H. B. No. 164 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, McNally, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Owen-

house, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Mr. Speaker—54.

Noes—Higgins, Law, Martin and Vaughan—4.

Absent and not voting—Gillis, Hayes, Johnson of Ravalli, Macdonald, McMurry, McQuitty, O'Flynn, Paul, Reel, Rodgers, Stevens, Swick, Tolman, Tuttle and Word—15.

Title agreed to.

H. B. No. 293 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnnard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Hayes. Herbold, Hickey, Higgins, Holt, Holter, Jacobson Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, Owenhouse, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—59.

Noes—None.

Absent and not voting—Baker, Berry, Brady, English, Gillis, Hewett, Lissner, Macdonald, McQuitty, O'Flynn, O'Hern, Paul, Reel and Tuttle—14.

Title agreed to.

H. B. No. 253 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Binnard, Blake, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, Owenhouse, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Word and Mr. Speaker—49.

Noes—Vaughan and Williams—2.

Absent and not voting—Bernard, Berry, Blackburn, Brady, Crouch, Donohue, Gillis, Herbold, Hewett, Hickey, Kammerer, Kirschwing, Lissner, Macdonald, McQuitty, O'Flynn, O'Hern, Paul, Reel, Rodgers, Stevens and Woody—22.

Title agreed to.

The hour of 11:45 A. M. having arrived, the Chief Clerk called the roll and found all members present except those paired.

Donohue was granted unanimous consent to introduce a House Joint Memorial and Vaughan was granted unanimous consent to introduce a House Joint Resolution without previous notice having been given.

READING OF HOUSE JOINT MEMORIALS.

H. J. M. No. 14, Memorial to the President praying for the convoking in Special Session of the 62nd Congress to have the tariff duties removed from the necessities of life, read first and second times by title only, and referred to Committee on Federal Relations.

READING OF HOUSE JOINT RESOLUTIONS.

H. J. Resolution No. 10, relative to the taxation of lands held by the N. P. Ry Co. read at length and adopted.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred Substitute for House Bill No. 109, beg leave to report same as correctly printed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 299 introduced by Vaughan, a Bill for an Act entitled, "An Act authorizing and regulating the sale of game and game birds, and providing a penalty for the violation of this Act," and

House Bill No. 152, introduced by Roberts, a Bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity and to provide for the licensing of vendors of the same."

Substitute House Bill No. 283, substitute for House Bill No. 283, introduced by Paul, a Bill for an Act entitled, "An Act fixing the salary of the Warden, Deputy Warden, Assistant Deputy Warden, Clerk, Physician, Matron, Captain of the Guard and the Guards of the State Prison of the State of Montana," as being correctly engrossed.

Also Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred Senate Bill No. 137, a Bill for an Act entitled, "An Act to amend Section 840 of the Revised Codes of Montana of 1907, relating to the organization of New School Districts," having had the same under consideration, report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred Substitute for Senate Bill No. 56, a Bill for an Act entitled, "An Act to promote industrial education," having had the same under consideration, report the same back to the House with the recommendation that Section 4 of said bill be amended by striking out the word "child" in line 7 of Section 4, and inserting in lieu thereof the word "person" and that as amended said bill be concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred Senate Bill No. 161, a Bill for an Act entitled, "An Act to prevent the employment of persons under eighteen years of age as messengers at certain times and places, and to provide for the punishment of the violation of this Act," having had the same under consideration, report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows:

Mr. Speaker:

Your Committee on Education to whom was referred House Bill No. 428, a Bill for an Act entitled, "An Act prohibiting the admission of children to public dance houses or halls, or to any concert saloon, and providing penalties for the violation thereof," having had the same under consideration, report the same back to the Houce with the recommendation that it do pass.

Report adopted.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Helena, Montana, February 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion Senate amendments withdrawn on House Substitute No. 38 Substituting House Bill No. 38, and the Secretary instructed to correct the history to conform thereto.

The action of the Senate leaves this bill in this original form.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock, noon, in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except those paired.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—13.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame and Sykes—2.

For T. M. Swindlehurst—Conrow—1.

For C. N. Pray—McCone—1.

For C. S. Hartman—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Wheeler of Cascade and Mr. Speaker—20.

For T. H. Carter—Bernard , Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Stevens, Story and Swick—25.

For W. R. Allen—Bell and Vaughan—2.

For C. S. Hartman—Byrnes and Owenhouse—2.

For H. C. Smith—Higgins—1.

For J. E. Edwards—Tolman—1.

For C. B. Nolan—Tuttle—1.

For Ed Donlan—Williams—1.

For Frank Woody—Word—1.

Total—69.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	38
For W. G. Conrad	23
For W. R. Allen	4
For C. S. Hartman	3
For T. M. Swindlehurst	1
For C. N. Pray	1
For H. C. Smith	1
For J. E. Edwards	1
For C. B. Nolan	1
For Ed Donlan	1
For Frank Woody	1
Total	97

House paired:
Reel-Paul,
McQuitty-Sarter 4

Grand total 101

The President thereupon announced no election and on motion of Senator Donlan the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Baker moved to recess until 2:00 o'clock P. M.

Slayton moved as an amendment that the House recess until 1:30 o'clock P. M. Amendment lost.

Motion of Baker prevailed and the House took a recess at 12:20 o'clock P. M. until 2:00 o'clock P. M.

AFTERNOON SESSION.

House re-assembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Blake moved that the House resolve itself into a Committee of the Whole for the consideration of General Orders.

Motion lost.

THIRD READING OF HOUSE BILLS.

H. B. No. 169 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Blake, Burt, Byrnes, Eliel, English, Gillis, Gray, Grubb, Herbold, Holter, Kammerer, Kirschwing, McMurry, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Story, Tolman, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—33.

Noes—Binnard, Brady, Crouch, Donohue, Duffy of Silver Bow, Ebert, Hickey, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Law, McNally, Nolan, O'Flynn, O'Hern, Reel, Slayton, Whaley and Wheeler of Silver Bow—20.

Absent and not voting—Bernard, Blackburn, Dobell, Duffy of Granite, Hayes, Hewett, Holt, Jordan, Lissner, Macdonald, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Owenhouse, Schwartz, Stevens, Swick, Tuttle and Woody—20.

Title agreed to.

Sub. for H. B. No. 146 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Berry, Binnard, Blake, Brady, Burt, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb Hayes, Herbold, Hewett, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, McMurry, McNally, Martin, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story,

Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—52.

Noes—Hickey—1.

Absent and not voting—Asbridge, Baker, Bernard, Blackburn, Crouch, Dobell, Holt, Holter, Jordan, Law, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Moore of Valley, Rodgers, Stevens, Swick, Tuttle and Woody—20.

Title agreed to.

Substitute for H. B. No. 235 having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Berry, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Herbold, Hickey, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, McMurry, McNally, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Tolman, Wheeler of Silver Bow, Wheeler of Cascade, Word and Mr. Speaker—48.

Noes—Grubb, Vaughan and Williams—3.

Absent and not voting—Baker, Bernard, Blackburn, Dobell, Gillis, Hayes, Hewett, Holt, Holter, Jordan, Kirschwing, Lissner, Macdonald, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Stevens, Swick, Tuttle, Whaley and Woody—22.

Title agreed to.

H. B. No. 130 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Berry, Binnard, Blake, Brady, Burt, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewitt, Hickey, Holt, Jacobson, Johnson of Lewis and Clark, Kammerer, McMurry, McNally, Martin, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Sarter, Schwartz, Slayton, Story, Tolman, Vaughan, Whaley, Wheeler of Cascade, Williams, Word and Mr. Speaker—45.

Noes—Higgins—1.

Absent and not voting—Asbridge, Baker, Bernard, Blackburn, Crouch, Dobell, Hayes, Holter, Johnson of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Owenhouse, Roberts, Rodgers, Stevens, Swick, Tuttle, Wheeler of Silver Bow and Woody—27.

Title agreed to.

H. B. No. 48 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Blake, Burt, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Herbold, Hewett, Higgins, Holt, Holter, Johnson of Lewis and Clark, Jordan, Macdonald, McNally, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Sarter, Slayton, Stevens, Story, Vaughan, Williams, Word and Mr. Speaker—36.

Noes—Binnard, Brady, Ebert, Grubb, Hayes, Jacobson, Johnson of Ravalli, Kammerer, Law, McMurry, Martin, Moore of Silver Bow, Reel,

Reser, Roberts, Schwartz, Swick, Tolman and Wheeler of Cascade—21.

Absent and not voting—Asbridge, Baker, Bernard, Berry, Blackburn, Crouch, Dobell, Kirschwing, Lissner, McQuitty, Moore of Valley, O'Hern, Rodgers, Whaley, Wheeler of Silver Bow and Woody—16.

Title agreed to.

H. B. No. 200 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Berry, Blake, Brady, Burt, Byrnes, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Herbold, Hewett, Higgins, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kirschwing, Macdonald, McMurry, Martin, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reser, Sarter, Schwartz, Stevens, Story, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—43.

Noes—Binnard, Jacobson, Jordan, Kammerer, Moore of Silver Bow, O'Flynn, Reel, Slayton, Swick and Whaley—10.

Absent and not voting—Baker, Bernard, Blackburn, Crouch, Dobell, Duffy of Silver Bow, Eliel, Hayes, Hickey, Holt, Law, Lissner, McNally, McQuitty, Moore of Valley, Murray, Roberts, Rodgers, Wheeler of Silver Bow and Woody—20.

Title agreed to.

O'Hern moved that H. B. No. 312 be laid on the table.

Motion withdrawn.

H. B. No. 312 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Brady, Burt, Byrnes, Donohue, Duffy of Silver Bow, Gillis, Gray, Herbold, Hewett, Hickey, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Roberts, Rodgers, Slayton, Stevens, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—43.

Noes—Blake, Ebert, Eliel, English, Grubb, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Murray, Paul, Ralston, Reser, Sarter, Schwartz, Story, Swick, Vaughan and Williams—20.

Absent and not voting—Blackburn, Crouch, Dobell, Hayes, Holt, Johnson of Lewis and Clark, Lissner, McQuitty, Moore of Valley—9.

Duffy of Granite excused from voting—1.

Title agreed to.

H. B. No. 212 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Blake, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Herbold, Hewett, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurray, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wil-

liams, Woody, Word and Mr. Speaker—58.

Noes—Story—1.

Absent and not voting—Baker, Blackburn, Brady, Burt, Crouch, Dobell, Gillis, Hayes, Hickey, Holt, Johnson of Lewis and Clark, Lissner, McQuitty and Wheeler of Cascade—14.

Title agreed to.

H. B. No. 17 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Byrnes, Donohue, Duffy of Granite, Eliel, English, Gillis, Gray, Grubb, Herbold, Hewett, Hickey, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Macdonald, McMurray, McNally, Martin, Moore of Silver Bow, Moore of Valley, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—51.

Noes—Higgins, Law and Whaley—3.

Absent and not voting—Asbridge, Baker, Blackburn, Crouch, Dobell, Duffy of Silver Bow, Ebert, Hayes, Holt, Johnson of Lewis and Clark, Kammerer, Lissner, McQuitty, Murray, Nelson, Nolan, Vaughan, Wheeler of Cascade and Woody—19.

Title agreed to.

H. B. No. 299 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Byrnes, Duffy of Granite, Ebert, Eliel, English, Gillis, Grubb, Hickey, Higgins, Holter, Jacobson, Jordan, Kirschwing, Law, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Reser, Roberts, Sarter, Slayton, Swick, Vaughan, Wheeler of Silver Bow, Word and Mr. Speaker—42.

Noes—Donohue, Herbold, McNally, Ralston, Schwartz, Story, Tolman, Tuttle, Whaley, Wheeler of Cascade and Williams—11.

Absent and not voting—Asbridge, Blackburn, Burt, Crouch, Dobell, Duffy of Silver Bow, Gray, Hayes, Hewett, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Lissner, McQuitty, Murray, Nolan, Rodgers, Stevens and Woody—20.

Title agreed to.

H. B. No. 152 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blake, Burt, Byrnes, Donohue, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jordan, Kirschwing, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Story, Swick, Tolman, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Mr. Speaker—47.

Noes—Asbridge, Jacobson, Johnson of Ravalli, McMurry, Reel, Tuttle, Whaley and Word—8.

Absent and not voting—Blackburn, Brady, Crouch, Dobell, Duffy of

Granite, Duffy of Silver Bow, English, Hayes, Hewett, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McQuitty, Rodgers, Slayton, Stevens and Woody—18.

Title agreed to.

Substitute for H. B. No. 283 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Burt, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kirschwing, Law, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—51.

Noes—Johnson of Ravalli and O'Hern—2.

Absent and not voting—Blackburn, Brady, Dobell, English, Gillis, Hayes, Herbold, Hewett, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McMurry, McQuitty, Nelson, Owenhouse, Rodgers, Slayton, Stevens and Woody—20.

Title agreed to.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 228, introduced by Berry, a Bill for an Act entitled, "An Act to amend Sections 8, 10, 22, 23, 53, 54, 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909. An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and management, protection and disposition of the timber growing thereon and the coal, oil and mineral therein; providing for the management and control of the funds realized from the sale and rental of State Lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for the use of State Lands, and defining and providing for the punishment of certain offenses for violating the provisions of this Act," and

Substitute for House Bill No. 13, introduced by McNally, a Bill for an Act in aid of the disability fund of fire departments in incorporated cities for the relief of sick, injured and retired firemen, and the pensioning of the widows and orphans of the deceased firemen, and assigning to said fund certain portions of the licenses derived by the State from Fire Insurance Companies doing business within the State," as being correctly engrossed.

H. B. No. 228, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hickey, Higgins, Holt, Holter, Jacobson, Kirschwing,

Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Schwartz, Slayton, Stevens, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Blackburn, Dobell, Donohue, Duffy of Granite, Hayes, Herbold, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, McQuitty, Moore of Valley, Owenhouse, Rodgers, Sarter, Story and Woody—19.

Title agreed to.

Substitute for H. B. No. 13 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Burt, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hickey, Holt, Holter, Jacobson, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Stevens, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Noes—Higgins—1.

Absent and not voting—Blackburn, Brady, Byrnes, Dobell, Hayes, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Lissner, McQuitty, O'Hern, Owenhouse, Reel, Rodgers, Sarter, Story, Vaughan and Woody—18.

The following communication was received:

Mr. Speaker:

We the undersigned, members of your Committee on Enrollment, herewith respectfully tender our resignation as members of said committee, and request that a new Committee on Enrollment be appointed

(Signed) B. B. LAW,
N. EBERT,
FRANK WOODY,
T. J. MURRAY,
JAMES LISSNER,
W. A. RALSTON,
R. K. HOLT,
I. S. McQUITTY.

The above resignations were accepted and Mr. Speaker appointed the following to act as the Committee on Enrollment: Berry, Woody, Murray, Holt and Ralston.

On motion of Blake the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Blake in the chair.

House resumed.

Mr. Speaker in the chair.

Blake from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 427, a Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petiiton, and providing that such candidates shall be voted for by the electors of the State, in the same manner as candidates for State Officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected. and to amend Section 545 of the Revised Codes so as to provide for placing on the official ballot the names of candidates for United States Senator," having had same under consideration, beg leave to report same back to the House with the recommendation that it do pass as amended.

Also, having had under consideration Senate Bill No. 66, a Bill for an Act entitled, "An Act to regulate the operation of all coal mines in the State of Montana, to provide for their inspection and the qualification of inspectors and certain other employees of coal mines and to codify all laws with reference to the operation of coal mines in the State of Montana, repealing Sections, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709 and 1910, 2023 of the Revised Codes of the State of Montana, and Chapters 64 and 65 of the Laws of 1909," report progress and beg leave to sit again.

Whaley moved that the Committee on Rules be requested to return a Special Rule for the consideration of Senate Bill No. 66.

Donohue moved to amend the motion of Whaley that the Committee on Rules be requested to return a Rule governing the reading of all voluminous Bills in Committee of the Whole.

Amended motion of Donohue prevailed.

Speaker pro tem in the chair.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 328, beg leave to report same as correctly printed.

Also, Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 427, introduced by a majority of the Joint Conference Committee appointed under Senate Concurrent Resolution No. 3, A Bill for an Act

entitled, "An Act to provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificates and petition, and providing that such candidates shall be voted for by the electors of the State, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective Counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidates will support for United States Senator if elected, and to amend Section 545 of the Revised Codes of 1907, State of Montana, so as to provide for placing on the official ballots the names of candidates for United States Senator," as being correctly engrossed.

Lissner moved to adjourn. Motion lost.

Blake moved the adoption of the report of the Committee of the Whole.

Wheeler of Silver Bow moved as a substitute motion that the report of the Committee of the Whole be adopted except as to House Bill No. 427, which be segregated from the report of the Committee of the Whole and re-referred to the Committee on Privileges and Elections.

Substitute motion lost.

Motion of Blake that the report of the Committee of the Whole be adopted prevailed.

O'Hern moved to adjourn. Motion lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 427 having been read three several times the roll was about to be called for its final passage whereupon Lissner moved a call of the House and obtaining the necessary fifteen seconds a call was ordered.

The Clerk proceeded to call the roll and before completion Macdonald moved that further proceedings under the call of the House be suspended. Motion prevailed.

Macdonald moved that the final vote on H. B. No. 427 be made a Special Order of business for 11 o'clock tomorrow morning.

Byrnes moved as a substitute motion that the final vote on H. B. No. 427 be taken at once.

Eliel moved the previous question. Motion lost.

Upon motion of Herbold the House adjourned at 5:55 P. M., to meet tomorrow morning at 10 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Fifty-Fourth Day.

Friday, February 24, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except McQuitty.

On motion of Jordan the Journal of the Fifty-third Day as read was approved.

NOTICES OF BILLS.

By P. J. Duffy: A Bill for an Act entitled, "An Act to regulate the payment of accrued insurance or services by Mutual Benefit Burial Associations or Burial Corporations."

By Woody: A Bill for an Act entitled, "An Act to amend Section 8182 of the Revised Codes of Montana of 1907, relating to County, Municipal, City and Town Officers."

By Alley: A Bill for an Act entitled, "An Act to create the Court of Claims, and to prescribe its powers and duties."

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred Senate Bill No. 62, introduced by Meyer, being a Bill for an Act entitled, "An Act to amend Sections 5759, 5760 and 5763 of the Revised Codes of 1907, relating to Chattel Mortgages," beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 393, being a Bill for an Act entitled, "An Act to amend Sections 7561, 7562, 7563, 7567 and 7568 of the Revised Codes of 1907, relating to the sale of real estate belonging to the estates of deceased persons," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 404, being a Bill for an Act entitled, "An Act to amend Section 3191 of the Revised Codes of Montana of 1907, relating to fees of interpreters," beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 432, introduced by Martin, being a Bill for an Act entitled, "An Act to amend Sections 3176 and 3177 of the Revised Codes of Montana of 1907, relating to fees of Justice of the Peace and Constable," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 133, introduced by Burlingame, being a Bill for an Act entitled, "An Act to amend Section 3264 of the Revised Codes of Montana," beg leave to report the same back to the House with the recommendation that the same be not concurred in.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 112, introduced by Dearborn, being a Bill for an Act entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, 'An Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds, and to fix the limit of time in which actions to set aside or annul tax deeds may be brought,' and approved March 3rd, 1909, relating to tax deeds and to repeal the provisions of said Section 2654, as amended, in relation to the time within which suits may be brought to set aside or annul tax deeds," beg leave to amend the same by adding after the word "deed," said word being the last word on page one of the bill, the following:

"And no action can be maintained or set aside or annul a tax deed, where the grantee named, in such tax deed, or his assigns, are in possession of the property described in such tax deed, upon any ground whatever, unless the action is commenced within five years from and after the time the grantee named in such tax deed, or his assigns, have gone into possession of such property; provided, that any existing right of action to set aside or annul any tax deed, where the grantee named in such tax deed, or his assigns, are now in the possession of the property described in such tax deed, shall be barred unless instituted within five years from and after the passage and approval of this Act," and as amended, recommend that the same be concurred in.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, re-

ported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 333, having had the same under consideration, recommend that it be amended by striking out, after the word "cash" in line 8, the following:

"or on demand at the store or other place of business of such person, firm or corporation, when the same is issued," and insert after the word "withdrawal," in line 15, the following:

"or at the expiration of the term of hiring of such labor," and as amended, recommend that the same do pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred Senate Bill No. 141, introduced by Sykes, being a Bill for an Act entitled, "An Act to amend Section 6364 of the Revised Codes of Montana," beg leave to report the same back to the House with the recommendation that the same be not concurred in for the reason that it clearly appears to be in violation of Section VIII, Article III, of the Constitution of the State of Montana.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 386, introduced by O'Flynn, being a Bill for an Act entitled, "An Act to amend Section 6758 of the Revised Statutes of Montana, 1907, relating to the rendering of general or special verdicts," report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 383, introduced by Grubb, being a Bill for an Act entitled, "An Act to amend Section 6714 of the Revised Codes of Montana, relating to dismissal of action," report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 57, introduced by Survant, being a Bill for an Act entitled, "An Act to amend Chapter IV, of the Revised Codes of Montana, entitled, 'Miscellaneous Liens,' by adding thereto Sections 5818-a, 5818-b, 5818-c,

5818-d and 5818-e, in relation to seed liens and the enforcement thereof," report the same back to the House and recommend that the same be concurred in.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 437, introduced by Nolan, being a Bill for an Act entitled, "An Act providing for prosecuting actions against unknown persons for the purpose of quieting title to land," report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 412, introduced by Nolan, being a Bill for an Act entitled, "An Act governing the admissibility of confessions of defendants in criminal cases," report the same back to the House and recommend that it do pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 28, introduced by Edwards, being a Bill for an Act entitled, "An Act to prohibit and regulate the issuance of reduced or free transportation by common carriers, and providing penalties for violation thereof," report the same back to the House with the recommendation that the same be concurred in as it came to the House from the Senate, without amendment.

Report adopted.

Also, Herbold, from the Committee on Live Stock and Public Ranges, reported as follows:

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, to whom was referred House Bill No. 67, entitled, "An Act regulating the speed of trains carrying live stock, and providing a penalty for the violation of the provisions hereof," beg leave to offer a substitute for said bill, and would respectifully recommend that the substitute bill do pass.

Report adoptel.

Also, Owenhouse, from the Committee on Fish and Game, reported as follows:

Mr. Speaker:

We, your Committee on Fish and Game, to whom was referred Senate Bill No. 174, introduced by McCone, being a Bill for an Act entitled, "An Act to establish a State Game Preserve for the pro-

tection of antelope and other game animals and game birds, and providing penalties for the violation thereof," report same back to the House with the recommendation that it be concurred in as amended.

Report adopted.

Also, Alley, from the Committee on Affairs of Cities, reported as follows:

Mr. Speaker:

We, a majority of your Committee on Affairs of Cities, to whom was referred House Bill No. 396, introduced by Duffy of Silver Bow, a Bill for an Act entitled, "An Act regulating the use of motor vehicles and providing penalties for the violation thereof," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the Bill do pass.

Report adopted.

Also, Nolan, from the Committee on State Institutions, Public Buildings and Grounds, reported as follows:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Bill No. 207, introduced by Tolman, being a Bill for an Act to define and punish lobbying, recommend that it be indefinitely postponed.

This disposition of the Bill is prompted by the fact that the laws now in existance are comprehensive enough to prevent and punish lobbying. In the Penal Code, under the head of "Crimes against the Legislative Power," provisions exist which make penal the acts intended to be made penal by the Bill in question.

Report adopted.

Also, Brady, from the Committee on Highways, reported as follows:

Mr. Speaker:

Your Committee on Highways, to whom was referred House Bill No. 441, introduced by Duffy of Granite, being a Bill for an Act placing the highways and bridges in all counties of the State of Montana, under the supervision and control of the county surveyor, defining his powers and duties, fixing his compensation and abolishing the office of Road Supervisor in all counties, having had said Bill under consideration, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

Also, Brady, from the Committee on Highways, reported as follows:

Mr. Speaker:

Your Committee on Highways to whom was referred House Bill No. 52, introduced by Martin, being a Bill for an Act entitled, "An Act to repeal Sections 1347 and 1351 of the Revised Codes, relating to the payment of special road tax in labor," having had said Bill under consideration, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed, for the

reason that the matter contained therein is already covered in House Bill No. 328.

Report adopted.

Also, Berry, temporary Chairman from the Committee on Townships and Counties, reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration House Bill No. 332, introduced by Law, being a Bill for an Act entitled, "An Act to legalize the incorporation of towns made previous to December 31st, 1910, and validating the official acts of town councils of such incorporate towns," respectfully report the same back to the House with the recommendation that it do pass.

Report adopted.

Also, Baker, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 300, 416, 363, 388, 411, 384, 377, 344, 402, 358, 407 and 409, beg leave to report same as correctly printed.

Also, Berry, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred Substitute House Bill No. 41, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes of 1907, relative to bounties for the killing of certain wild animals;"

House Bill No. 153, introduced by Eliel, a Bill for an Act to amend Section 3245, Revised Codes of 1907, relating to salary of Chief of Police;

Substitute for House Bill No. 166, introduced by Nolan, a Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Live Stock Sanitary Board during January and February, 1911;"

And House Bill No. 171, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana, relating to conditional sale and the filing of contract notes," beg leave to report that the same are herewith returned properly enrolled.

Also, Gillis, from the Committee on Corporations other than Municipal, reported as follows:

Mr. Speaker:

We, your Committee on Corporations other than Municipal to whom was referred Senate Bill No. 181, introduced by Edwards, a Bill for an Act entitled, "An Act validating the organization and incorporation of the Yellowstone Irrigation District in the County of Rosebud and the corporate acts of the said District and providing for the issue and sale of the bonds thereof," report it back to the House with the recommendation that it be concurred in.

Report adopted.

Also, Macdonald, acting Chairman from the Committee on Rules, Joint Rules and Order of Business, reported as follows:

Mr. Speaker:

We, your Committee on Rules, beg leave to report that at this time we consider S. B. 66, S. B. 35, and H. B. 328 as voluminous Bills and recommend that the same be read in Committee of the Whole by naming the sections by number and holding each section in turn as read in full and open for amendment.

Report adopted.

INTRODUCTION OF BILLS.

The following bills were introduced and placed on file:

By House and Senate Committees on Fairs and Expositions: By unanimous consent without previous notice, H. B. No. 446, "An Act appropriating money to defray the preliminary expenses of establishing and maintaining an exhibit of the products of the State of Montana at the Panama-Pacific International Exposition to be held in the City of San Francisco, California, in 1915, and providing for the appointment of a commission to prepare and manage said exhibit."

By Jordan: H. B. No. 447, A Bill for an Act entitled, "An Act to provide for the legal definitions and standards of food products in the State of Montana in all prosecutions for the violation for any of the provisions of laws of the State of Montana relating to the manufacture or sale of adulterated, misbranded or otherwise unlawful articles of food."

READING OF HOUSE BILLS.

H. B. No. 446, read first and second times at length and referred to Committee on Appropriations.

H. B. No. 447, read first and second times by title only, and referred to Committee on Sanitary Affairs.

MOTIONS AND RESOLUTIONS.

Tolman offered the following motion:

Mr. Speaker:

I move that House Bill No. 207, introduced by Tolman, being a Bill to define and punish lobbying, be ordered printed.

Motion prevailed.

Eliel offered the following resolution:

Mr. Speaker:

Whereas, on the 15th day of February, A. D., 1911, your Committee on Appropriations reported back Senate Bill No. 60, being a Bill for an Act entitled, "An Act to authorize the State Board of Examiners of Montana to prepare and have indexed, printed and bound, copies of the debates, and proceedings of the Constitutional Convention of the State of Montana and to provide for the distribution of the same, and providing an appropriation therefor," for indefinite postponement, and

Whereas, the said report was adopted by this House, and

Whereas, on February 17th, A. D., 1911, the House by motion of O'Flynn, which was duly seconded, recalled the said bill from the Senate, and

Whereas, there is no record of this motion in your Journal, and the said bill has not been recalled from the Senate,

Now Therefore, I move you that the said Senate Bill No. 60, be recalled from the Senate.

Resolution adopted.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, Feb. 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on motion the Secretary was instructed to request that Senate Bill No. 124, introduced by Edwards, be returned to the Senate immediately.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Pursuant to above communication Mr. Speaker directed the Chief Clerk to return Senate Bill No. 124 to the Senate immediately.

Also the following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced he was about to sign Senate Bill No. 51, and same was signed in open Session.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 167 introduced by Word, was this day read first and second time and referred to Committee on Finance and Claims; also House Bill No. 186, introduced by Word, was this day read first and second times and referred to Committee on Judiciary.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill and Joint Memorial, were this day introduced without having given previous notice:

By Burlingame: A Bill for an Act entitled, "An Act to enable the City Council of the City of Belt, Cascade County, Montana, to change

the boundary lines of said city of Belt so that said county lines will embrace the territory within the incorporate limits of the City of Belt as originally intended by the people at the time of the creation of said incorporation."

By Kessler: Senate Joint Memorial, relating to House of Representative's Bill No. 29346, relating to granting of pensions to certain men, soldiers and officers in Mexican and Civil wars.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 23, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill and Joint Memorial, was this day introduced, read first and second times and referred;

Senate Bill No. 195, introduced by Burlingame: A Bill for an Act entitled, "An Act to enable the City Council of the City of Belt, Cascade County, Montana, to change the boundary lines of said City of Belt so that said boundary lines will embrace the territory within the incorporate limits of the City of Belt as originally intended by the people at the time of the creation of said incorporation." Referred to Committee on Counties, Towns and Municipal Corporations.

Senate Joint Memorial No. 12, introduced by Kessler: Relating to House of Representative's Bill No. 29346, relating to granting of pensions to certain men, soldiers and officers in Mexican and Civil wars. Referred to Committee on Federal Relations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 135, introduced by Burlingame, having been read three several times and passed, is herewith transmitted for your concurrence:

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 135, a Bill for an Act entitled, "An Act to authorize the creation of districts for lighting streets in the business portion of cities of the first class, and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon, and the remainder of such cost against city at large," read first and second times by title only, and referred to Committee on Affairs of Cities.

THIRD READING OF HOUSE BILLS.

H. B. No. 427, having been read three several times and the title to same having been agreed to, was ready to be voted on for its final passage, whereupon,

On motion of Berry and fifteen members seconding same, a call of the House was had and the following members were found absent:

Bell, Hayes, Hewett, Higgins, McQuitty, O'Flynn, O'Hern, Paul, Reel and Schwartz.

On motion of Byrnes, further proceedings under the call of the House were dispensed with.

Law moved that H. B. No. 427 be laid on the table.

Motion withdrawn with consent of second, whereupon Law moved that H. B. No. 427 be re-referred to the Committee on Privileges and Elections.

Motion of Law withdrawn with consent of second. Thereupon H. B. No. 427 was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Macdonald, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody and Mr. Speaker—52.

Noes—Hewett, Law, Lissner, McMurry, McNally, Moore of Silver Bow, O'Hern, Reel, Wheeler of Silver Bow and Word—10.

Absent and not voting—McQuitty—1.

The hour of 11:45 o'clock A. M., having arrived, the Chief Clerk called the roll and found all members present except McQuitty, who was pared with Sarter.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All members of the Senate were found present.

All the members of the House were found present except those paired.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

T. H. Carter—Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—13.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. R. Allen—Burlingame, McCone and Sykes—3.

For T. M. Swindlehurst—Conrow—1.

For Frank Woody—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Wlash—Asbridge, Berry, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—14.

For W. G. Conrad—Alley, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—19.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Stevens, Story, Swick and Williams—27.

For C. H. Eggleston—Baker—1.

For W. R. Allen—Bell, Higgins and Vaughan—3.

For T. M. Swindlehurst—Brady and Herbold—2.

For C. S. Hartman—Byrnes and Owenhouse—2.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

For Frank Woody—Word—1.

Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	21
For T. H. Carter	40
For W. G. Conrad	22
For W. R. Allen	6
For T. M. Swindlehurst	3
For Frank Woody	2
For C. S. Hartman	2
For C. H. Eggleston	1
For W. F. Meyer	1
For C. B. Nolan	1
Total	99

House paired:

McQuitty-Sarter 2

Grand total 101

The President thereupon announced no election and on motion of Senator Donlan the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Baker the House took a recess at 12:30 o'clock P. M., until 2:00 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

MESSAGES FROM THE GOVERNOR.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 24, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have approved and deposited with the Secretary of State Substitute for House Bill No. 22, "An Act to amend Section 3327 of the Revised Codes of Montana of 1907, relating to the establishment of fire departments."

(Signed:) EDWIN L. NORRIS,

Governor.

COMMUNICATIONS.

A telegram was received from the Montana Retail Dealers Association in session at Kalispell, Montana, relating to the division of the State of Montana into two Congressional Districts and was referred to the Committee on Apportionment and Representation.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Substitute Bill No. 38, substituting House Bill No. 38, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act providing for the establishment of a tax levy on live stock for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and providing a method thereof." as being correctly engrossed.

Mr. Speaker at this time announced that he was about to sign H. B. No. 171, a Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana, relating to conditional sale and the filing of contract notes," and signed same in the presence of the House.

Also H. B. No. 153, a Bill for an Act to amend Section 3245 Revised Codes of 1907, relating to salary of Chief of Police and signed same in the presence of the House.

Also Sub. H. B. No. 166, a Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Livestock Sanitary Board during January and February, 1911," and signed same in the presence of the House.

Also Sub. H. B. No. 41, a Bill for an Act entitled, "An Act to amend Section 1904 of the Revised Codes of 1907 relative to bounties for the killing of certain wild animals," and signed same in the presence of the House.

Also S. B. No. 134, a Bill for an Act entitled, "An Act to amend Section 1509 and Section 1564 of the Revised Codes of Montana, 1907, providing that sewage systems must be approved by the State Board of Health and relating to the pollution of water supply," and signed same in the presence of the House.

Also S. B. No. 96, a Bill for an Act entitled, "An Act ot amend Section 4050 of the Revised Codes of the State of Montana, 1907, relating to the classification of insurance corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in conneection therewith," and signed same in the presence of the House.

Berry moved that an additional doorkeeper, in the person of Len Reed, be employed. Motion prevailed.

Woody offered the following motion:

Mr. Speaker:

I propose that Rule 26 be amended so as to read as follows:

RULE 26.

READING GENERALLY.

Every bill shall receive three several readings previous to its passage, but no bill shall receive its second and third readings on the same day except on the last day of the session, and no bill shall receive its third reading that has not been referred to a committee of the House or Joint Committee of the Senate and House. All bills, memorials or joint resolutions on their first and second readings, unless otherwise provided in these rules, shall be read by their titles. The third reading of all bills shall be in full unless otherwise ordered by a two-thirds vote of the House. This rule shall not be suspended. A motion to lay upon the table shall be in order on the second and third readings of a bill.

I move that the proposed amended Rule be referred to the Committee on Rules and that said Committee report back to the House on Saturday, February 25, 1911.

Referred to Committee on Rules, Joint Rules and Order of Business.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 439 beg leave to report same as correctly printed.

The following was received from the Steering Committee:

To the Chief Clerk of the House of Representatives:

Place on General Orders House Bills Nos. 370, 426, 420, 400, 401, 31, 199, 234, 240, 390, 269, 288, 289, 301, 324, 376, 421, 310, 274 and 352.

BYRNES, Chairman.

On motion of Berry the House resolved itself into a committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Berry in the chair.

House resumed.

Mr. Speaker in the chair.

Berry from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 66, having had same under consideration report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration Sub. S. B. No. 35, a Bill for an Act entitled, "An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof," report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration House Joint Memorial No. 8, a Memorial to Congress, praynig for the enactment of Legislation that will relieve the setlers on the public domain, wherein their improvements were destroyed by forest fires," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 10, a Memorial to Congress praying for the enactment of legislation providing for the fencing of the Crow Indian Reservation within the State of Montana, report same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 11, a memorial to Congress of he United States urging the ratification of Trade Agreement with the Dominion of Canada, report same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 6, requesting the Congress of the United States to take steps to prohibit the changing of the old names of Montana's mountains and streams, report same back to the House with the recommendation that it do pass.

Also having had under consideration House Joint Memorial No. 12, memorializing the Congress of the United States to create a Commission whose duties it shall be to classify and segregate all agricultural lands in forest reserves in the United States, report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 121, a Bill for an Act entitled, "An Act to regulate the manufacure and sale of dairy products and imitation dairy products in the State of Montana. Defining dairy products and imitation dairy products. Providing for a dairy specialist in the Montana State Agricultural College, appropriating moneys therefor and defining his duties, and providing penalties for the violation of the provisions of this Act," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration House Bill No. 391, a Bill for an Act entitled, "An Act to provide for the support of the government of the State of Montana, for the years 1911 and 1912," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 392, a Bill for an Act entitled, "An Act to improve the sanitary condition of quartz mines by providing for the proper ventilation of the same, and for protecting the lives of miners, and providing penalties for the violation of this act," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 148, a Bill for an Act entitled, "An Act to repeal Section 4073 of the Revised Codes of 1907, relating to the taxation of insurance companies on excess premiums over losses and ordinary expenses incurred within the State," report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 78, a Bill for an Act entitled, "An Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana of 1907 relating to the examination and qualification of teachers' and the grades of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907 relating to the status of graduates of the State Normal College and to repeal Section 964 of the Revised Codes of 1907," report same back to the House with the recommendation that it do pass, as amended.

Berry moved that the report of the Committee of the Whole be adopted.

O'Flynn moved as a substitute motion that the report of the Committee of the Whole be adopted except as to House Bill No. 78 and that House Bill No. 78 be segregated from the report of the Committee of the Whole with the recommendation that it do not pass.

Upon roll call the substitute motion of O'Flynn was lost by the following vote:

Ayes—Alley, Baker, Binnard, Blackburn, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Herbold, Holt, Jacobson, Johnson of Ravalli, Kammerer, McNally, Moore of Silver Bow, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, and Mr. Speaker—27.

Noes—Asbridge, Bell, Bernard, Berry, Burt, Donohue, Eliel, English, Gray, Grubb, Hayes, Hickey, Higgins, Holter, Johnson of Lewis and Clark, Jordan, Kirschwing, Law, Macdonald, McMurry, Moore of Valley, Murray, Nelson, Paul, Reser, Roberts, Sarter, Schwartz, Slayton,

Story, Swick, Tolman, Vaughan, Wheeler of Cascade, Williams, Woody, and Word—37.

Absent and not voting—Blake, Gillis, Hewett, Lissner, McQuitty, Martin, Ralston, Rodgers, Stevens—9.

Binnard moved as a substitute motion that the report of the Committee of the Whole be adopted except as to House Bill No. 78 and that House Bill No. 78 be segregated from the report of the Committee of the Whole and be re-referred to the Committe of the Whole.

Substitute motion lost.

Blackburn moved as a substitute motion that House Bill No. 78 be segregated from the report of the Committee of the Whole and be re-printed.

O'Flynn moved as a substitute motion that the report of the Committee of the Whole be adopted except as to House Bill No 78 and that House Bill No. 78 be segregated from the report and that the Committee of the Whole report progress on House Bill No. 78 and ask leave to sit again.

Substitute motion of O'Flynn lost, also

Substitute motion of Blackburn lost.

O'Flynn moved to adjourn. Motion lost.

Thereupon on motion of Berry the report of the Committee of the Whole was adopted.

On motion of Slayton, the House adjourned at 5:40 o'clock P. M. to meet tomorrow at 10:00 o'clock A. M.

Attest: FINLAY McRAY, Chief Clerk.

W. W. McDOWELL, Speaker.

Fifty-Fifth Day.

Saturday, February 25, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except McQuitty.

On motion of Jordan the journal of the Fifty-fourth Day as read was approved.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Joint Memorial No. 8, introduced by Vaughan, a Memorial to Congress praying for the enactment of Legislation that will relieve the settlers on the public domain, wherein their improvements were destroyed by forest fires; and

House Joint Memorial No. 11, introduced by McQuitty, a Memorial

to the Congress of the United States urging the ratification of Trade Agreement with the Dominion of Canada; and

House Joint Memorial No. 10, introduced By Tolman, a Memorial to Congress praying for the enactment of legislation providing for the fencing of the Crow Indian Reservation within the State of Montana; and

House Joint Memorial No. 12, introduced by Bernard, memorializing the Congress of the United States to create a commission whose duties it shall be to classify and segregate all agricultural lands in Forest Reserves in the United States; and

House Joint Memorial No. 6, introduced by Byrnes, requesting the Congress of the United States to take steps to prohibit the changing of the old names of Montana's mountain streams; and

House Bill No. 391, introduced by the Committee on Ways and Means, a Bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana for the years 1911 and 1912," and

House Bll No. 392, introduced by P. J. Duffy, a Bill for an Act entitled, "An Act to improve the sanitary condition of quartz mines by providing for the proper ventilation of the same, and for protecting the lives of miners, and providing penalties for the violation of this Act," as being correctly engrossed.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 390, 425, 431, 417, 408, 424, 419, 429, 415, 418, 423, 428 and 350 beg leave to report same as correctly printed.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions having had under consideration House Bill No. 92, introduced by Murray, being a Bill for an Act entitled, "An Act to create the County of Stillwater, designating and defining its boundaries, and to provide for its organization and government, and to apportion the indebtedness existing between said County of Stillwater and the Counties of Sweet Grass, Carbon and Yellowstone," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Hayes from the Committee on Rules, Joint Rules and Order of Business reported as follows:

Mr. Speaker:

We, your Committee on Rules, having had under consideration the motion as made by Woody of Missoula, which motion reads as follows: "Every bill shall receive three several readings previous to its passage, but no bill shall receive its second and third readings on the same day except on the last day of the Session, and no bill shall receive its third reading that has not been referred to a committee of the House or joint committee on the Senate and House. All bills,

memorials or joint resolutions on their first and second readings, unless otherwise provided in these rules, shall be read by their titles. The third reading of all bills shall be in full unless otherwise ordered by a two-thirds vote of the House. This rule shall not be suspended. A motion to lay upon the table shall be in order on the second and third readings of a bill," beg leave to report that we have carefully considered the same and unanimously agree that no change should be made in this Rule 26, and recommend that the motion be indefinitely postponed.

Report adopted.

Also Whaley from the Committee on Irrigation and Water Rights reported as follows:

Mr. Speaker:

We your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 172, introduced by Selway, entitled, "An Act to regulate the sale of irrigable state lands capable of reclamation under any canal or proposed canal or other irrigation system," beg leave to report, that having had the same under consideration recommend that it be concurred in.

Report adopted.

Also Tuttle from the Committee on State Boards and Officers reported as follows:

Mr. Speaker:

We your Committee on State Boards and Officers to whom was referred Senate Bill No. 8, introduced by McCone, being a Bill entitled, "An Act to amend Sections 2240, 2241, 2242, 2244, 2248 and 2249, Revised Codes of 1907, relating to the Carey Land Act Board, and to provide for an Assistant Secretary of said Board," beg leave to report that after having had the same under consideration recommend that it be concurred in.

Report adopted.

Also Blackburn, Acting Chairman from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Committee on Federal Relatione to whom was referred House Joint Memorial No. 14, introduced by Donohue, being a Memorial to the President praying for the convoking in special session of the Sixty-second Congress to have the Tariff removed from the necessaries of life, having had same under consideration, respectfully recommend that it be adopted.

Report adopted.

Also Blackburn, Acting Chairman from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Committee on Federal Relations to whom was referred Senate Joint Memorial No. 10, introduced by Burlingame, relating to the disposition of coal lands by the United States, having had same under consideration, recommend that it be concurred in.

Report adopted.

Also Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We a majority of your Committee on Affairs of Cities to whom was referred Senate Bill No. 135 by Burlingame, a Bill for an Act entitled, "An Act to authorize the creation of districts for lighting streets in cities of the first class and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon, and the remainder of such cost against the city at large," having had said bill under consideration respectfully report said bill back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 308 entitled, "An Act to regulate the rate per mile for transportation of passengers on railroads and railways operating wholly or in part in the State of Montana, and providing penalties for the violation thereof," beg leave to report the same back to the House with the recommendation that the same be printed and placed on general file.

Report adopted.

Also Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred Senate Bill No. 152, introduced by Edwards, a Bill for an Act entitled, "An Act ot amend Section 3003 and Section 3257 of the Revised Codes of Montana, relating to the deposit and control of Public money in the possession of county and city treasurers, and to provide for the payment of interest on deposits of public money by the county treasurers and city treasurers of cities of the first and second class, and for the furnishing of official bonds by such officers," after due consideration beg leave to recommend that same be not concurred in.

Report adopted.

Also Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred House Bill No. 405, introduced by Nolan, a Bill for an Act entitled, "An Act relating to banks and banking, and trust deposits, and security companies, and creating a depositor's guaranty fund," after having had same under consideration beg to report back with the recommendation that same do not pass.

Report adopted.

Also Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred House Bill No. 436, introduced by O'Flynn, a Bill for an Act entitled, "An Act regulating the rate of interest which shall be charged in the State of Montana, prohibiting usury and providing penalties for the violation of this Act," after due consideration beg leave to recommend that same do not pass.

Report adopted.

INTRODUCTION OF BILLS.

The following Bills were introduced and placed on file:

By Duffy of Silver Bow, H. B. No. 448, being a Bill for an Act entitled, "An Act to regulate the payment of accrued insurance or services by mutual benefit burial Associations or burial Corporations.

By Donohue, by unanimous consent, without previous notice, H. B. No. 449: A Bill for an Act entitled, "An Act to amend Sections 8574 and 8576 of the Revised Codes of Montana of 1907, and to permit the holding of boxing exhibitions and contests under certain regulations and restrictions."

By Bernard, by Unanimous consent, without previous notice, H. B. No. 450: A Bill for an Act entitled, "An Act creating the office of Assistant State Forester, providing for the appointment of such officer, specifying his qualifications, and prescribing his duties, term of office, and compensation."

By Woody, H. B. No. 451: A Bill for an Act entitled, "An Act to amend Section 8182 of the Revised Codes of Montana of 1907, relating to County, Municipal, City and Town Officers."

By Alley, H. B. No. 452: A Bill for an Act entitled, "An Act to create the Court of Claims, and to prescribe its powers and duties."

REPORTS OF STANDING COMMITTEES.

Berry from the Committee on Enrollment reported as follow:

Mr. Speaker:

I beg to report that on this 25th day of February at 10:15 A. M. 1911, I handed to the Governor for his consideration Substitute House Bill No. 41, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act ot amend Section 1904, of the Revised Codes of 1907 relative to bounties for the killing of certain wild animals;" and

House Bill No. 153, introduced by Eliel, a Bill for an Act to amend Section 2345 Revised Codes of 1907, relating to salary of Chief of Police; and

Substitute for House Bill No. 166, introduced by Nolan: A Bill for an Act entitled, "An Act to appropriate money for the continuance of the work of the State Live Stock Sanitary Board during January and February, 1911;" and House Bill No. 171, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 5092 of the Revised Codes of Montana relating to conditional sale and the filing of contract notes."

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Substitute Bill No. 38, substituting House Bill No. 38, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act providing for the establishment of a tax levy on live stock for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and providing a method thereof," beg to report that same is returned herewith properly enrolled.

Mr. Speaker at this time announced that he was about to sign Sub. H. B. No. 38, a Bill for an Act entitled, "An Act providing for the establishment of a tax levy on live stock for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and providing a method thereof," and signed same in the presence of the House.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 413, 395, 422, 357, 343, 435, 394 and 438, beg leave to report same as correctly printed.

READING OF HOUSE BILLS.

The following bills were taken from the file:

H. B. No. 448, read first and second times by title only, and referred to Committee on Insurance.

H. B. No. 449, read first and second times by title only, and refered to Committee on Military Affairs.

H. B. No. 450, read first and second times by title only, and referred to Committee on State Boards and Officers.

H. B. No. 451, read first and second times by title only, and referred to Committee on Affairs of Cities.

H. B. No. 452, read first and second times by title only, and referred to Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 126, introduced by Grubb, also House Bill No. 214, introduced by Bell, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the President announced that he was about to sign Senate Bill Nos. 96 and 134, and same were signed in open session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced without having given previous notice:

By Muffly, by request: A Bill for an Act entitled, "An Act prohibiting a litigant from instituting or maintaining any action or proceeding wherein the costs or disbursements incurred or to be incurred therein, are paid or agreed to be paid, by any person other than the real party in interest."

Also, Substitute for Senate Bill No. 124, introduced by Committee on Finance and Claims, a Bill for an Act entitled, "An Act to create and establish a department of banking; to provide for the appointment of a Superintendent of Banks and Bank Examiners, and fixing their compensation; defining the powers and duties of such Superintendent of Banks and Examniers; to provide for a system of examination, audit and control of state banks, savings banks, trust companies, building and loan associations, individual bankers, private banks and banking associations, other than national banks; fixing the fees for examination under the provisions of this Act, and providing penalties for the violation thereof."

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bill was this day introduced, read first and second times, and referred:

Senate Bill No. 196, by Muffly, by request: A Bill for an Act entitled, "An Act prohibiting a Litigant from instituting or maintaiinng any action or proceeding wheren the costs or disbursements incurred or to be incurred therein are paid or agreed to be paid, by any person other than the real party in interest," Referred to Committee on Judiciary.

Also Substitute for Senate Bill No. 124, introduced by a Committee on Finance and Claims: A Bill for an Act entitled, "An Act to create and establish a department of banking; to provide for the appointment of a superintendent of banks and bank examiners, and fixing their compensation; defining the powers and duties of such superintendent of banks and examiners; to provide for a system of examination, audit and control of state banks, savings banks, trust companies, building and loan associations, individual bankers, private banks and banking

associations, other than nationl banks; fixing the fees for exmination under the provisions of this Act, and providing penalties for the violation thereof." Referred to Committee on Printing.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day read first and second times and referred:

House Bill No. 242, by Macdonald, read first and second times and referred to Committee on Finance and Claims.

House Bill No. 233, by Paul, read first and second times and referred to Judiciary Committee.

Sub. House Bill No. 283, by Paul, read first and second time and referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 228, by Berry, read first and second times and refered to Committee on Public Lands.

Sub. House Bill No. 13, by McNally, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 152, by Roberts, read first and second times and referred to Committee on Agriculture and Manufacture.

House Bill No. 299, by Vaughan, read first and second times and referred to Committee on Fish and Game.

House Bill No. 212, by Williams, read first and second times and referred to Committee on Finance and Claims.

House Bill No. 169, by Story, read first and second times and referred to Committee on Fish and Game.

Committee Substitute House Bill No. 146, introduced by Committee on Railroads and Transportation, having been read first and second times and referred to Committee on Railroads and Transportation.

House Bill No. 130, by Paul, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 48, by Byrnes, read first and second times and referred to Committee on Corporations other than Municipal.

House Bill No. 293, by Roberts, read first and second times and referred to Committee on Education.

House Bill No. 235, by Byrnes, read first and second times and referred to Committee on Railroads and Transportion.

House Bill No. 145, by Woody, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

House Bill N. 312, by Binnard, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 200, by O'Hern, read first and second times and referred to Committee on Judiciary.

House Bill No. 17, by Moore of Valley, read first and second times

and referred to Committee on Judiciary.

House Bill No. 164, by O'Flynn, read first and second times and referred to Committee on Judiciary.

House Joint Resolution No. 10, by Vaughan, read first and second times and referred to Committee on Public Lands.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 115, introduced by Jordan, having been read three several times and concurred in as amended is herewith returned for concurrence in Senate amendment.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that as per request of House for the return of Senate Bill No. 60, introduced by Cockrell, for further consideration, bill is herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 24, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 123, introduced by Survant, also Senate Bill No. 175, introduced by Muffly, and Senate Bill No. 177, introduced by Donlan, having been read three several times and passed is herewith transmitted for your concurrence.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Mr. Speaker at this time announced that he had re-referred Senate Bill No. 60 to the Committee on Libraries.

READING OF SENATE BILLS.

S. B. No. 123, a Bill for an Act entitled, "An Act to provide that all boxes, package, cans and cartons containing goods, wares and merchandise shall have stamped thereon the net weight therein contained, and providing penalties for the violation thereof," read first and second times by title only, and referred to Committee on Affairs of Cities.

S. B. No. 177, a Bill for an Act entitled, "An Act for the changing of names of any natural stream, water course, spring, dry coulee, creek,

river, lake and other natural source of water supply, which lies wholly within the limits of one county," read first and second times by title only and referred to Committee on Townships and Counties.

S. B. No. 175, a Bill for an Act entitled, "An Act prescribing additional duties and powers of the State Accountant and providing for the examination of the books, accounts and financial affairs of the Boards of Trustees of School Districts of the First Class," read first and second times by title only, and referred to Committee on State Boards and Officers.

The Committee on Mines and Mining was excused from attendance in the House.

THIRD READING OF BILLS.

S. B. No. 66 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Hayes, Hewett, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Murray, Nolan, Paul, Ralston, Reel, Reser, Roberts Rodgers Sarter, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams, Word and Mr. Speaker—55.

Noes—None.

Absent and not voting—Byrnes, Crouch, Grubb, Herbold, Holt, Lissner, McQuitty, Moore of Valley, Nelson, O'Flynn, O'Hren, Owenhouse, Schwartz, Slayton, Vaughan, Whaley, Wheeler of Silver Bow and Woody—18.

Title agreed to.

Sub. S. B. No. 35 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Grubb, Hayes, Hewett, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Valley, Murray, Nolan, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—60.

Noes—Donohue, Ebert, Gray and Nelson—4.

Absent and not voting—Binnard, Byrnes, Herbold, Law, McQuitty, Moore of Silver Bow, O'Flynn, O'Hern and Whaley—9.

Title agreed to.

Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 126, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 1029 of the laws of Montana of 1909, relating to Pio-

neer Day," and

House Bill No. 214, introduced by Bell, a Bill for an Act entitled. "An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors and prescribing penalties," beg leave to report that the same are returned herewith properly enrolled.

Mr. Speaker at this time announced that he was about to sign H. B. No. 126, a Bill for an Act entitled, "An Act to amend Section 1029 of the laws of Montana of 1909, relating to Pioneer Day," and signed same in the presence of the House.

Also H. B. No. 214, a Bill for an Act entitled, "An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors and prescribing penalties," and signed same in the presence of the House.

THIRD READING OF HOUSE JOINT MEMORIALS.

H. J. M. No. 8 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley Wheeler of Silver Bow Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—64.

Noes—None.

Absent and not voting—Berry, Byrnes, Duffy of Silver Bow, Herbold, Lissner, McQuitty, Moore of Valley, O'Hern, Reel—9.

Title agreed to.

The hour of 11:45 A. M. having arrived the Chief Clerk called the roll and found all members present except McQuitty, who was paired with Higgins.

MESSAGES FROM THE GOVERNOR.

The following communication was received from the Governor:

February 25, 1911.

The Speaker of the House of Representatives,
House of Representatives,
Helena, Montana.

Congratulating the Assembly upon the passage of a number of measures of State-wide importance and public concern and expressing the belief that it will not abate its zeal in the public's service, I yet wish, at the risk of being considered unduly insistent, to again direct your attention to and request your earnest consideration of three subjects heretofore brought to your attention.

First: "A Bill for an Act entitled an Act to cede certain State school lands to the United States in lieu of other lands, and providing

for the selection of the lieu lands."

From my message of January 17, last, relative to this Bill I quote the following paragraphs:

"The Secretary of the Interior has decided that sections 16 and 36, situated in national forests, that are unsurveyed or the survey of which has not been approved previous to the creation of forest reserves, do not pass to the State under the provisions of the Enabling Act; and he further holds that the State must release those sections and select others from the surveyed public domain in lieu thereof, or suffer a loss of the lands referred to. The area of the sections thus affected amounts to approximately one million acres.

"Under the laws now in force these lieu selections must be made from the public lands that are surveyed and that are designated as agricultural lands.

"During the past few months the State Board of Land Commissioners has been releasing unsurveyed sections 16 and 36, situated in forest reserves, and selecting in lieu thereof agricultural lands from the surveyed public domain whenever lands of value equal to that of those released could be found. Much difficulty has been experienced in obtaining valuable lands for lieu selections on account of the rapid entry of public lands by settlers and the shortage of surveyed lands.

"No sections situated in western Montana and of special value for the timber thereon have been released, for the reason that lieu lands of equal value could not be obtained. The Board desires that authority be given to release to the government these unsurveyed and timbered sections 16 and 36 in the forest reserves of western Montana whenever the right is conferred upon the State to select government timber lands of equal value, in compact bodies, in forest reserves. This right of exchange, conditioned as suggested, must be given by acts of the Legislature and of Congress."

I suggest, however, that you amend Section 1 of the bill referred to by adding after the word "thereon" the words "situated within forest reserves." It is conservatively estimated that favorable consideration of this proposed legislation by Congress and the Assembly will add sereval millions of dollars to the common school fund of the State. It will readily be seen that by the decision of the Secretary of the Interior the State of Montana stands to lose valuable timber lands, and also that, if the State can secure timber lands in exchange, greater values will be obtained than would be possible if agricultural lands must be accepted.

Second: "A Bill for an Act to amend Sections 8, 10, 22, 53, 54 55, 56, 57 and 61 of Chapter 147 of the Montana Session Laws of 1909."

This bill provides that certain duties heretofore performed by the State Land Agent relative to forest lands shall hereafter be performed by the State Forester; that timber that has been damaged by forest fires may be sold at such price as can be obtained therefor, and that dead-and-down timber may be removed from State forest lands by settlers without payment therefor.

The time of the State Land Agent is fully occupied in looking after the agricultural and grazing lands of the State, and under the provisions of the proposed measure the State Forester would be able to give better service in the administration of forest lands.

Under the Act of 1909 no sale of timber may be made for less than $3.00 per thousand feet. A large quantity of timber was damaged by the forest fires of last summer and attempts have been made to sell the same. These attempts have failed, however, because of the fact that the minimum price fixed by law could not be secured. Such timber will therefore be a dead loss to the State unless speedily cut. It seems highly desirable to sell this damaged timber at such price as can be obtained, thereby saving to the State many thousands of dollars. Dead-and-down timber in forest creates firetraps, and every encouragement should be offered for its removal.

Third: "A Bill for an Act providing for the protection of forests and other lands from fires, prescribing the duty of fire wardens, providing for the expenses thereof, and prescribing punishment for the violation of this Act."

The experiences of last summer demonstrate the imperative necessity for a comprehensive law dealing with the subject of forest fires. The bill alluded to provides for the division of the forest areas of the State into fire districts and authorizes the appointment of district fire wardens during the season when forest fires are likely.

The Railroad companies are required to keep their rights of way clear—to a distance of fifty feet on either side of the track—of combustible material during the season from June 1 to October 1 of each year, and to use spark arresters upon engines. This latter provision may be too drastic and might, it seems, with safety be eliminated, provided the rights of way are kept free of combustible material. Loggers are required to maintain spark arresters upon all engines operated in the forests.

The burning of slashings is prohibited during certain seasons of the year, and is to be permitted only under such restrictions as the State Forester may prescribe. It has been estimated by a government authority that sixty-five per cent of the forest fires originated from sparks emitted by railroad locomotives, and that the larger number of other fires were occasioned by engines of loggers, the burning of slashings in the forests, and by fires carelessly left by campers.

The timber lands are owned by the general government, the State, and private individuals. Last summer the government and the State co-operated in the extinguishment of all forest fires, regardless of proprietorship. The expense was large and was borne by the Federal and State governments. Private timber holdings profited to the same extent as those of the State and the Nation, but did not contribute proportionately to the cost of the protection. It does not seem just—it is not just—that protection should be given to private holdings at the expense of the people of the State. To express it differently, it is not just that the money belonging to the school children of the State should be employed to protect the private holdings of timber owners from forest fires.

The bill referred to requires that these private holdings shall make a contribution proportionate to the benefits received for the extinguishment or prevention of forest fires. Can there be anything inequitable or unjust in such a provision? To me the proposition seems eminently fair and unassailable, and yet it has become common knowledge that representatives of the large timber interests have been active in their opposition to this feature of the measure.

Last summer the State Board of Land Commissioners, when the emergency arose, exerted every effort to extinguish forest fires, wherever discovered, and the services of five companies of the National Guard were called into requisition. These men responded to the call of the Commander-in-Chief without any question of his authority to require their services in the extinguishment of forest fires. It was to their credit, and, I believe, to the credit of the State Board of Land Commissioners, that no question was at that time raised as to how or where the fires originated; the main consideration was that property of value was being destroyed and that its loss should if possible be prevented.

With that experience in mind, I earnestly insist that adequate laws should be framed to prevent, in so far as may be possible, the careless strating of forest fires; and to provide that private holdings must contribute their share of the expense of extinguishing fires. It would be deplorable were this Assembly to adjourn without placing upon the statute books some law that will justly and equitably meet the situation. Last summer there was no specific enactment to meet the crisis, nor was there authority to compel the private holdings of timber to bear their share of the burden of fighting forest conflagrations. The only fund from which it was possible to pay the costs of the fire-fighting campaign was that which belongs to the school children and the educational institutions. A session of the Assembly has intervened, and I repeat that it would be deeply regrettable if this body neglected or refused to legislate upon the subject. It should at least be provided that the expense of fighting forest fires should be borne by the general fund; but if this provision were made it would be manifestly unjust to compel the State to bear the whole burden while the private holdings went unassessed of their proportion of the cost.

To expect this expense to be defrayed out of the school fund is contrary to the spirit of the Enabling Act. What valid reason can be urged by the private timber owner in support of his contention that the State of Montana should fight the forest fires which endanger his property and pay the price thereof while he enjoys the benefits without cost? The vulnerability of his position is the more pointedly shown when we contemplate the situation regarding the bounties on stock-destroying animals. The stockmen of Montana do not ask the taxpayers of the State to reach into their pockets and pay for the protection of livestock from predatory wild beasts. Instead, recognizing that their need is special protection, they submit to a special levy for protective purposes, and pay their special tax without a murmur. That this is simple justice to all concerned is recognized by this As-

sembly, in the levying of a special tax with which to raise the revenue necessary to afford the protection desired by the stockmen. What claim can the private timber owner have that places him on a higher plane than that occupied by the livestock men of the State?

All of these bills refer to and are designed to conserve property that belongs to the common schools and educational grants. In truth, they might more appropriately be termed "Bills for Acts to protect the heritages which a generous Federal government has conferred upon the school children and educational institutions of the State."

I again call your attention to these important subjects and trust that your further deliberations will convince you of their merits. I am not willing that funds belonging to the school children of the State shall be used to protect privately-owned forests. If by any chance I may be able to so impress upon you the gravity of the situation that an equitable bill will be the result, then a great good will have been accomplished and you may rest assured that you have well performed a duty imposed upon you as legislators.

By not mentioning the other subjects referred to in my regular and special messages I do not wish to be understood as having in anywise changed by opinions thereon; but the subjects herein treated seem to me so important and so fair and unobjectionable that I cannot believe you will upon reflection fail to view them as they appear to me.

EDWIN L. NORRIS, Governor.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except Donlan, who was paired with Leary.

All the members of the House were found present except McQuitty, who was paired with Higgins.

The President, finding a quorum of both sides present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Christopher, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—12.

For T. J. Walsh—Dearborn, Duncan, George, Groff, McCarthy and Stout—6.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—Burlingame, McCone and Sykes—3.

For Frank Woody—Whiteside—1.

Total—26.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—14.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Murray, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—27.

For W. R. Allen—Bell, Moore of Valley, Nelson and Tolman—4.

For T. M. Swindlehurst—Brady—1.

For C. S. Hartman—Byrnes—1.

For Frank Woody—Owenhouse and Word—2.

For C. B. Nolan—Tuttle—1.

Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	39
For W. G. Conrad	24
For W. R. Allen	7
For T. M. Swindlehurst	2
For Frank Woody	3
For C. S. Hartman	1
For C. B. Nolan	1
Total	97
Senate paired:	
Donlan-Leary	2
House paired:	
McQuitty-Higgins	2
Grand total	101

Senator McCarthy was granted permission by the President of the Senate to read a letter he received from Hon. C. S. Hartman.

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Binnard moved to recess until 2:00 o'clock P. M.

O'Flynn moved as a substitute motion that the House do now adjourn.

Substitute motion lost.

Motion of Binnard prevailed and the House took a recess at 12:20 o'clock P. M. until 2 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:00 P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

Pursuant to the Governor's message received this morning, Eliel offered the following motion:

Mr. Speaker:

I move that the Chief Clerk be instructed to ascertain the numbers of the bills referred to in the Governor's communication and that he inform the House of the present status.

Motion prevailed.

In complance with above motion, the Chief Clerk reported as follows:

I find House Bills Nos. 217, 228 and 229 to be the bills referred to by the Governor in his message. H. B. No. 217 is now in the hands of the Steering Committee. H. B. No. 228 was transmitted to the Senate Feb. 23rd, 1911, and H. B. No. 229 was reported unfavorably by the Committee of the Whole on February 10th, 1911, and the report adopted.

Thereupon Mr. Speaker referred the above message of the Governor to the Committee on Apportionment and Represntation.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 16 beg leave to report same as correctly printed.

Also Martin from the Committee on Engrossment .reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 148, introduced by Donohue, being a Bill for an Act entitled, "An Act to repeal Section 4073 of the Revised Codes of 1907, relating to the taxation of insurance companies on excess premiums over losses and ordinary expenses incurred within the State," as being correctly engrossed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 121, introduced by Donohue, a Bill for an Act entitled, "An Act

to regulate the manufacture and sale of dairy products and imitation dairy products in the State of Montana; defining dairy products and imitation dairy products. Providing for Dairy Specialist in the Montana State Agricultural College, appropriating moneys therefor and defining his duties, and providing penalties for the violation of the provisions of this Act," as being correctly engrossed.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

I beg to report that on this 25th day of February, 1911, at 11:50 A. M., I handed to the Governor for his consideration House Substitute Bill No. 38, substituting House Bill No. 38, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act providing for the establishment of a tax levy on live stock for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and providing a method thereof."

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

On this 25th day of February, 1911, at 11:50 A. M. I handed to the Governor for his consideration House Hill No. 126, introduced by Grubb, a Bill for an Act entitled, "An Act to amend Section 1029 of the Laws of Montana of 1909, relating to Pioneer Day," and

House Bill No. 214, introduced by Bell, a Bill for an Act entitled, "An Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors and prescribing penalties."

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 25, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State the following House Bills:

House Bill No. 28, an Act appropriating money for the payment to Conley and McTague Company of the amount due it for property belonging to it within the prison walls and adjacent to the State Prison necessary to be used by the State in the conduct and management of the State Prison at Deer Lodge, Montana.

Sub. for House Bill No. 41, an Act to amend Section 1904 of the Revised Codes of 1907, relative to the bounties for the killing of certain wild animals.

Sub. for House Bill No. 166, an Act to appropriate money for the continuance of the work of the State Livestock Sanitary Board during January and February, 1911.

House Bill No. 171, an Act to amend Section 5092 of the Revised Codes of Montana, relating to conditional sale and to filing of contract notes.

House Bill No. 126, an Act to amend Section 1029 of the Laws of Montana of 1909, relating to Pioneer Day.

Sub. for House Bill No. 38, an Act providing for the establishment

of a tax levy on livestock for the purpose of paying bounties on wild animals, and for stock inspection, protection and indemnity purposes, and providing a method thereof.

House Bill No. 214, an Act to prevent drinking of intoxicating liquors upon passenger trains, extending police power to conductors, and prescribing penalties.

(Signed) EDWIN L. NORRIS, Governor.

On motion of Gillis, Mr. Speaker reverted back to the Fourth Order of business.

REPORTS OF STANDING COMMITTEES.

Alley from the Committee on Affairs of Cities reported as follows:

Mr. Speaker:

We, a majority of your Committee on Affairs of Cities, to whom was referred House Bill No. 451, introduced by Woody, a Bill for an Act entitled, "An Act to amend Section 8182 of the Revised Codes of Montana of 1907, relating to County, Municipal, City and Towns Officers," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that the Bill do pass.

Report adopted.

Also Donohue from the Committee on Military Affairs reported as follows:

Mr. Speaker:

We, your Committee on Military Affairs to whom was referred House Bill No. 449, introduced by Donohue, a Bill for an Act entitled, "An Act to amend Sections 8573 and 8576 of the Revised Codes of Montana of 1907, and to permit the holding of boxing exhibitions and contests under certain regulations and restrictions," after having had same under due consideration beg leave to recommend that it do pass.

Donohue moved the adoption of the report.

Blake moved that the report of the Committee on Military Affairs be laid on the table. Motion to table lost.

Upon roll call the motion of Donohue to adopt report of the Committee on Military Affairs prevailed by the following vote:

Ayes—Baker, Berry, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Hayes, Herbold, Hewett, Higgins Holt Holter Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McNally, Moore of Silver Bow, Murray, Nelson, O'Flynn, O'Hern, Paul, Reel, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Wheeler of Silver Bow, Wheeler of Cascade, Woody and Mr. Speaker—49.

Noes—Asbridge Bell, Blake, Grubb, Hickey, Johnson of Ravalli, Martin, Nolan, Ralston, Reser, Roberts, Swick, Tuttle, Vaughan Williams and Word—16.

Absent and not voting—Alley, Bernard, Macdonald, McQuitty, Moore of Valley, Owenhouse, Rodgers and Whaley—8.

Gillis from the Committee on Appropriations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal to whom was referred House Bill No. 444, introduced by Gillis, being a bill for an Act entitled, "An Act to amend Section 3836 of the Revised Codes of Montana, 1907, relating to the organization of Boards of Directors of Corporations, and repealing Section 3834 of the Revised Codes of Montana, 1907, and all Acts and parts of Acts in conflict herewith," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal to whom was referred Senate Bill No. 73, introduced by Donlan, being a Bill for an Act entitled, "An Act to amend Section 4198 of the Revised Codes of Montana, concerning Building and Loan Associations," beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Gillis from the Committee on Corporations other than Municipal reported as follows:

Mr. Speaker:

Your Committee on Corporations other than Municipal to whom was referred House Bill No. 329, introduced by Vaughan, being a Bill for an Act entitled, "An Act more clearly define the purpose for which corporations may be formed," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Duffy of Silver Bow from the Committee on Mines and Mining reported as follows:

Mr. Speaker:

Your Committee on Mines and Mining to whom was referred House Bill No. 403, being a Bill for an Act entitled, "An Act to provide for the appointment of an inspector of elevators and mining cages; to fix his compensation; and defining his duties," beg leave to report said bill back to the House with the recommendation that the same do not pass.

Report adopted.

Also Duffy of Silver Bow from the Committee on Mines and Mining reported as follows:

Mr. Speaker:

Your Committee on Mines and Mining to whom was referred House Bill No. 375, being a Bill for an Act entitled, "An Act to repeal Chapter 67 of the Eleventh Session Laws of Montana entitled, "An Act to create a State Accident Insurance and Total Permanent Disability Fund for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing penal-

ties for the violation of the provisions of this Act,'" beg leave to report said bill back to the House with the recommendation that the same do pass.

Report adopted.

Also Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking to whom was referred Senate Bill No. 104, introduced by McCarthy, a Bill for an Act entitled, "An Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salaries and expenses of the State Examiner, his assistants, deputies and clerk, and providing for the appointment of a deputy therefor," after having had the same under consideration, beg leave to report the bill back to the House with the following amendments:

By amending Section 1 in line 4, of said section by striking out after the word "be" the words "three thousand" and insertng in lieu thereof the words "twenty-seven hundred."

By amending Section 2 in line 6 of said section by striking out after the word "of" the words "fifteen hundred" and inserting in lieu thereof the words "seventeen hundred and fifty," and would respectfully recommend that said bill be concurred in as amended.

Report adopted.

Also Grubb from the Committee on Libraries reported as follows:

Mr. Speaker:

Your Committee on Libraries to whom was referred Senate Bill No. 60, introduced by Cockrell, being a Bill for an Act entitled, "An Act to authorize the State Board of Examiners of Montana to prepare and have indexed, printed and bound, copies of the debates and proceeding of the Constitutional Convention of the State of Montana, and to provide for the distribution of the same, and providing an appropriation therefor," beg leave to report that having had the same under consideration recommend that the same be concurred in.

Report adopted.

MOTIONS AND RESOLUTIONS.

Vaughan offered the following motion:

Mr. Speaker:

I move that the Chairman on Townships and Counties be required to report to this Assembly at once, H. B. No. 362, which bill was favorably considered by a majority of that committee.

Motion lost.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

House Bill No. 453, introduced by Johnson of Lewis and Clark: A Bill for an Act entitled, "An Act to require persons, companies and corporations engaged in the business of furnishing to the public heat, light, or power for mechanical purposes, to pay interest on the deposits

when they require deposits to secure payment on account, and fixing penalties for the violation of this Act."

READING OF BILLS.

The following bill was taken from the file:

H. B. No. 453, read first and second times by title only, and referred to Committee on Affairs of Cities.

THIRD READING OF HOUSE JOINT MEMORIALS.

H. J. M. No. 10 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Eliel, English, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Whaley, Wheeler of Cascade, Williams, Word and Mr. Speaker—57.

Noes—None.

Absent and not voting—Asbridge, Blackburn, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Johnson of Ravalli, McQuitty, Martin, Owenhouse, Ralston, Stevens, Tuttle, Wheeler of Silver Bow and Woody—16.

Title agreed to.

H. J. M. No. 11 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis Gray, Hayes, Herbold, Hewett, Holt, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Nelson, Nolan, O'Flynn, O'Hern, Reel, Roberts, Rodgers, Sarter, Stevens, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—49.

Noes—Blake, Eliel, Grubb, Hickey, Higgins, Jacobson, Johnson of Ravalli, Moore of Valley, Murray, Paul, Ralston, Reser, Schwartz, Slayton, Story, Swick, Tolman, Vaughan and Williams—19.

Absent and not voting—Asbridge, Blackburn, Crouch, McQuitty, Owenhouse—5.

Title agreed to.

H. J. M. No. 6 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Lissner, Macdonald, McMurry, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens,

Story, Swick, Tolman, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—59.

Noes—None.

Absent and not voting—Asbridge, Baker, Binnard, Crouch, Gillis, Hewett, Holter, Kirschwing, McNally, McQuitty, Moore of Silver Bow, Tuttle, Whaley and Wheeler of Silver Bow—14.

Title agreed to.

H. J. M. No. 12 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Macdonald, McNally, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—59.

Noes—None.

Absent and not voting—Asbridge, Crouch, Duffy of Silver Bow, Hewett, Johnson of Ravalli, Law, Lissner, McMurray, McQuitty, Moore of Silver Bow, Stevens, Tuttle, Whaley and Wheeler of Silver Bow—14.

Title agreed to.

THIRD READING OF HOUSE BILLS.

H. B. No. 391 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Duffy of Silver Bow, Ebert, Eliel, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Macdonald, McNally, Martin, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Asbridge, Binnard, Crouch, Donohue, Duffy of Granite, English, Gillis, Johnson of Ravalli, Jordan, Lissner, McMurry, McQuitty, Moore of Silver Bow, O'Hern, Stevens, Tuttle, Whaley, Wheeler of Silver Bow and Woody—19.

Title agreed to.

H. B. No. 392 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Moore of Silver Bow, Moore of Valley, Murry, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan,

Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—59.

Noes—None.

Absent and not voting—Asbridge, Bell, Donohue, Duffy of Granite, English, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, McMurry, McQuitty, Martin, O'Hern, Whaley and Woody—14.

Title agreed to.

H. B. No. 121 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson fo Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams, Woody and Mr. Speaker—63.

Noes—None.

Absent and not voting—Berry, Duffy of Silver Bow, English, Hayes, Hewett, Lissner, McQuitty, Vaughan, Whaley and Wheeler of Silver Bow—10.

Title agreed to.

H. B. No. 148 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blackburn, Blake, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Holt, Holter, Kammerer, Kirschwing, Law, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams and Mr. Speaker—44.

Noes—Gray, Grubb, Hickey, Higgins, Jacobson, Johnson of Ravalli, Jordan, Macdonuld, Nelson, Paul and Vaughan—11.

Absent and not voting—Baker, Binnard, Brady, Burt, Duffy of Silver Bow, English, Hayes, Herbold, Hewett, Johnson of Lewis and Clark, Lissner, McMurry, McQuitty, Story, Whaley, Wheeler of Silver Bow, Woody and Word—18.

Title agreed to.

On motion of Roberts the House adjourned at 4:15 o'clock P. M. to meet Monday, February 27th at 10 o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Fifty-Seventh Day.

Monday, February 27, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Johnson of Lewis and Clark who subsequently appeared.

On motion of Jordan the Journal of the Fifty-fifth Day as read was approved.

Alley moved that when the House Recess, it recess at 5:30 o'clock P. M. until 8:00 o'clock this evening, as a mark of respect, and further that a committee of three be appointed to draft suitable resolutions on the death of the wife of Representative Johnson of Lewis and Clark. Motion prevailed unanimously and Mr. Speaker appointed the following on said Committee:

Alley, Nolan and Blake.

COMMUNICATIONS AND PETITIONS.

A telegram signed by sixteen residents and tax payers of Rexford, Lincoln County, Montana, protesting against the division of Lincoln County, was received and read and referred to the Committee on New Counties and Divisions.

The following communication was received from the Steering Committee.

Mr. Speaker:

The House Steering Committee desire to announce that the order of consideration of bills, as arranged by the Joint Steering Committee contemplate the consideration of all appropriation bills and bills authorizing the expenditure of state moneys first.

And all appropriation bills in the hands of the House Steering Committee, so far as known to the Committee, have been reported for general orders.

All members interested in appropriation measures are requested to confer with the members of the House Steering Committee, and to see that their appropriation bills have not been overlooked. It is not the intentioan of the House Steering Committee to overlook any appropriation measures originating in the House.

Members of the House should bear in mind that the order of business is fixed at a joint meeting of the House and Senate Steering Committee, and should give the House Steering Committee immediate notice of any appropriation bills which may have been overlooked.

For the information of the members, a complete list of all appropriation bills, so far as known to the House Steering Committee can be seen at the desk of the Chairman of the House Steering Committee.

(Signed:) BYRNES, Chairman.

REPORTS OF STANDING COMMITTEES.

Crouch from the Committee on Privileges and Elections reported as follows:

Mr. Speaker:

We your Committee on Privileges and Elections to whom was referred Substitute for Senate Bill No. 68, introduced by Survant, a Bill for an Act entitled, "An Act providing for the creation of election precincts and for the registration of electors in county, city, town and school districts, and providing penalties for the violation thereof," having had the same under consideration, report said Bill back to the House with the following recommendations:

Amend Section 2 by adding thereto the following:

"and provided that the Board of County Commissioners, or the City Council, or the Board of School trustees may at any time before the closing of the great register, as hereinafter provided, establish two (2) or more polling places in any election precinct established in accordance with the provisions of this Act, and shall define the boundaries of each of said polling places."

Amend Section 4, line 34 of the printed bill, by striking out the word "January" and inserting in lieu thereof the word "May."

Amend Section 18, line 300 of the printed bill, by adding after the word "election" and before he word "city" the following:

"and for the full period of ten days immediately preceding any."

Amend Section 18, line 312 of the printed bill by striking out the words "or thirty days" and inserting in lieu thereof "during which said book is to remain closed."

Amend Section 18 by adding thereto the following:

"The County Clerk of each County must cause to be published in each newspaper publication within his County for thirty (30) days before which time when such registry book shall be closed for any general election, primary and nominating election, city, town or municipal election, primary and nominating election, or school election, a notice signed by him to the effect that such registry book shall be closed on the day provided by law, and which day shall be specified in such notice; and must also state that electors may register for the ensuing election by appearing before the City Clerk at his office, or by appearing before a Justice of the Peace, or Notary Public in the manner provided by law. The publication of such notice mut continue for the full period of thirty days.

The County Clerk, must at least thirty (30) days before the time when such registration book shall be closed for any general election, primry nominating election, city, town or municipal election, or municipal primary election, or school election, cause to be posted in not less than three (3) conspicuous places of each precinct in his county, notice of such publication, notice which shall be kept posted until the registration book shall be closed for the ensuing election."

And as amended said bill be concurred in.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 434, introduced by Grubb, being a Bill for an Act entitled, "An Act to confer upon the Board of Railroad Commissioners of the State of Montana authority to compel the erection and construction of stations or platforms along the line of railways within the State of Montana," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred House Bill No. 445, introduced by Duffy of Granite, being a Bill for an Act entitled, "An Act to confer upon the Board of Railroad Commissioners of the State of Montana authority to compel the lighting and ventilation of all tunnels within this State, which are used by Steam Railroads," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 78, introduced by Story, a Bill for an Act entitled, "An Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana, 1907, relating to the examination and qualification of teachers, and to the grades of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907 relating to the status of graduates of the State Normal College and to repeal Section 964 of the Revised Codes of 1907," as being correctly engrossed.

MESSAGES FROM THE GOVERNOR AND SENATE.

The folowing communication was received from the Governor:

Executive Office, Helena, Montana, February 25, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State, House Bill No. 153, an Act to amend Section 3245, Revised Codes of 1907, relating to salary of chief of police.

(Signed:) EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Substitute for

House Bill No. 41, Substitute for House Bill No. 166, House Bills Nos. 153, 171, Substitute for House Bill No. 38, House Bills 214 and 126, and same were signed in open Session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced without having given previous notice:

By Committee on Elections and Privileges: A Bill for an Act entitled, "An Act to provide an additional judge for the Twelfth Judicial District of the State of Montana, so that there will hereafter be two judges in said District."

By Burlingame: A Bill for an Act entitled, "An Act to enable the council of cities or towns to change the boundary lines of said cities or towns by the disannexation of territory."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second time and referred:

Senate Bill No. 197, by Committee on Elections and Privileges: A Bill for an Act entitled, "An Act to provide an additional Judge for the Twelfth Judicial District of the State of Montana, so that there will hereafter be two judges in said District." Referred to Committee on Printing.

Senate Bill No. 198, by Burlingame: A Bill for an Act entitled, "An Act to enable the council of cities or towns to change the boundary lines of said cities or towns by the disannexation of territory." Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 427, introduced by a Majority of the Joint Conference Committee appointed under Senate Concurrent Resolution No. 3, a Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in Congress of the United States by Political Conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the State, in

the same manner as candidates for State Officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representative or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected, and to amend Section 545 of the Revised Codes of 1907, of the State of Montana, so as to provide for placing on the official ballot the names of candidates for United States Senator."

Referred to Committee on Elections and Privileges.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for Senate Bill No. 124, introduced by Committee on Finance and Claims, having been read three several times and passed, title agreed to, is herewith transmittd for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 25, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for House Bill No. 263, Substitute for House Bills Nos. 70, 61, 35 and 154, introduced by Blackburn, Woody, Holter and Blake, having been read three several times and concurred in is herewith returned.

Also Senate Bill No. 183, introduced by Leary, Senate Bill No. 160, introduced by Meyer, having been read three several times, title agreed to and passed, are herewith transmitted for your concurrence.

Also Senate Bill No. 178, introduced by Whiteside, and Senate Bill No. 179, introduced by Whiteside having been read three several times, title agreed to and passed, considered engrossed, are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

Sub. for S. B. No. 124, a Bill for an Act entitled, "An Act to provide for a system of examinations, audit and control of state banks, savings banks, trust companies, building and loan associations, individual bankers, private banks and banking associations, other than national banks; fixing the fees for examination under the provisions

of this act, and providing penalties for the violation thereof," read first and second times by title only, and referred to Committee on Banks and Banking.

S. B. No. 183, a Bill for an Act entitled, "An Act to provide for the preservation of the forests and timber lands of and in the State of Montana, for the creation of the offices of fire wardens and deputy fire wardens, and their compensation, the manner of their appointment and term of office and for the carrying into effect of the provisions of this Act; defining the duties and powers of said officers and other officers in connection with this Act; prescribing the duties of persons, firms and corporations under this Act and providing penalties for violations of the provisions hereof, and repealing Sections XI, XII, XIII, XIV and XV, Chapter 147 of the Laws of the Eleventh Legislative Assembly," read first and second times by title only and referred to Committee on State Lands.

S. B. No. 160, a Bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, as amended by Chapter 85 of the Session Laws of 1909, relating to the salary and compensation of deputies to County Officers and Assistants, and to amend Section 3134 of the Revised Codes of Montana of 1907, relating to the appointment of Assistant and Deputy County Attorneys, also to repeal Sections 3131, 3132 and 3135 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of Assistant and Deputy County Attorneys," read first and second times by title only and referred to Committee on Judiciary.

S. B. No. 178, a Bill for an Act entitled, "An Act regulating the leasing of lands which are, or may be, owned by the State of Montana, lying between low and high water mark of any navigable lake within the State of Montana, and forbidding the sale or leasing thereof," read first and second times by title only, and referred to Committee on State Lands.

S. B. No. 179, a Bill for an Act entitled, "An Act prohibiting any person, copartnership or corporation from obstructing the waters of any navigable lake within the State of Montana, to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floated in and upon such navigable lake, and providing punishments for the violation of this Act," read first and second times by title only, and referred to Committee on State Lands.

THIRD READING OF HOUSE BILLS.

H. B. No. 78 having been read three several times was ready for roll call on its final passage and title to same agreed to, whereupon McNalley moved that the roll call on H. B. No. 78 be deferred until 11:30 o'clock A. M. Motion lost.

On motion of McNally and fifteen members present seconding same, a call of the House was ordered.

On motion of Story, furthrr proceedings under the call of the House were dispensed with, whereupon H. B. No. 78 was passed by the following vote:

Ayes—Asbridge, Bell, Bernard, Blake, Brady, Burt, Crouch, Donohue, English, Gray, Grubb, Herbold, Hickey, Holter, Jordan, Kirschwing, Law, Macdonald, McMurry, Moore of Valley, Nelson, Paul, Reser, Roberts, Rodgers, Sarter, Slayton, Story, Swick, Tolman, Vaughan, Wheeler of Cascade, Williams, Woody and Word—35.

Noes—Alley, Baker, Binnard, Blackburn, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Hayes, Holt, Jacobson, Johnson of Ravalli, Kammerer, Lissner, McNally, Moore of Silver Bow, Murray, Nolan, Reel, Schwartz, Stevens, Tuttle, Whaley, Wheeler of Silver Bow and Mr. Speaker—28.

Absent and not voting—Berry, Hewett, Higgins, Johnson of Lewis and Clark, McQuitty, Martin, O'Flynn, O'Hern, Owenhouse, Ralston—10.

On motion of Blake the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORnERS.

Macdonald in the chair.

House resumed.

Mr. Speaker in the chair.

Macdonald from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 271, a Bill for an Act entitled, "An Act to appropriate $5,000.00 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a commission to assist in the erection of memorial," having had same under consideration beg leave to report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 290, a Bill for an Act entitled, an Act to prohibit the possession, sale or other disposal of toy pistols and appliances for the use of blank cartridges or caps containing explosive substance and of blank cartirdges, caps or other explosive substance intended for use in toy pistols or other appliances, report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. for H. B. No. 103, a Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of 1907, relating to the employment of a Director of the State Fish Hatchery and providing for his salary," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 111, a Bill for an Act entitled, "An Act providlng for the submission to the qualified electors of the State of Montana, an amendment to Article IX of the Constitution of the State of Montana by adding a new clause to be numbered Section 14 of said Article, providing for the recall of Public Officers," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 370, a Bill for an

Act entitled, "An Act prescribing the salary of certain appointive and Deputy State Officers, Clerks, Stenographer and Employees at the State Capitol," report same back to the House with the recommendation that it report progress and beg leave to sit again.

Report of the Committee of the Whole adopted.

The hour of 11:45 A. M. having arrived the Chief Clerk called the roll and found all member present except Johnson of Lewis and Clark who subsequently appeared.

Mr. Speaker at this time announced that he was about to sign Sub. for S. B. No. 59, a Bill for an Act entitled, "An Act to amend Section LXXXV of Chapter 147 of the Session Laws of 1909 of the State of Montana, relating to the refunding of money paid by mistake to the State Board of Land Commissioners on account of sales and leases of State Lands and correcting contracts erroneously made or entered into by said Board," and signed same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Berry Chairman pro tem from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

Your Committee on Townships and Counties, having had under consideration House Bill No. 362, introduced by Vaughan, being a Bill for an Act entitled, "An Act to prohibit the sale of intoxicating liquors in the State of Montana, between certain hours on Sunday the first day of each week," report the same back to the House with the following amendments:

Amend Section 1, lines 9 and 10 by striking out the following:

"And no person shall be permitted in any such room for any purpose during the hours when it is by law required to be closed."

Amend Section 3 by adding thereto the following:

"or for medicinal, mechanical or sacramental purposes," and respectfully recommend that the same do pass as amended.

Report adopted.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present except Donlan who was paired with Representative Berry.

All the members of the House were found present

The President, finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Burlingame, Christopher, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—14.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly, and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—27.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—28.

For W. R. Allen—Bell, Higgins, Moore of Valley and Tolman—4.

For W. T. Pigott—Byrnes—1.

For Frank Woody—Owenhouse and Word—2.

For C. B. Nolan—Tuttle—1.

Total—72.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	42
For W. G. Conrad	25
For T. M. Swindlehurst	1
For W. R. Allen	5
For W. T. Pigott	1
For Frank Woody	2
For C. B. Nolan	1
Total	99
Paired:	
Senator Donlan-Rep. Berry	2
Grand total	101

The President thereupon announced no election.

On motion of Senator McCarthy regular order of business was

ordered and a second ballot for United States Senator was taken as follows:

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Burlingame, Christopher, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—14.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—8.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Swindlhurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—27.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. T. Pigott—Byrnes—1.

For W. R. Allen—Higgins—1.

For Frank Woody—Owenhouse and Word—2.

For E. K. Cheadle—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—72.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	23
For T. H. Carter	44
For W. G. Conrad	24
For W. R. Allen	2
For Frank Woody	2
For T. M. Swindlehurst	1
For W. T. Pigott	1
For E. K. Cheadle	1
For C. B. Nolan	1
Total	99
Paired:	
Senator Donlan-Rep. Berry	2
Grand total	101

The President thereupon announced no election.

On demand of Senator McCarthy the regular order of business was ordered and a third ballot for United States Senator was taken as follows:

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Burlingame, Christpoher, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—14.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallewy and Muffly—3.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

For Frank Woody—Whiteside—1.

Total—27.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Vaughan and Williams—30.

For W. T. Pigott—Byrnes—1.

For W. R. Allen—Higgins—1.

For Frank Woody—Owenhouse and Word—2.

For E. K. Cheadle—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—72.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	44
For W. G. Conrad	24
For Frank Woody	3
For W. R. Allen	2
For T. M. Swindlehurst	1
For W. T. Pigott	1
For E. K. Cheadle	1
For C. B. Nolan	1
Total	99

Paired:

Senator Donlan-Rep. Berry..... 2

Grand total.....101

The President thereupon announced no election.

On demand of Senator McCarthy the regular order of business was ordered and a fourth ballot for United States Senator was taken as follows:

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Burlingame, Christopher, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—14.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

For M. M. Duncan—Whiteside—1.

Total—27.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. T. Pigott—Byrnes—1.

For T. C. Marshall—Higgins—1.

For Frank Woody—Owenhouse and Word—1.

For E. K. Cheadle—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—72.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	44
For W. G. Conrad	24
For Frank Woody	2
For T. M. Swindlehurst	1
For W. R. Allen	1

For M. M. Duncan 1
For W. T. Pigott 1
For T. C. Marshall 1
For E. K. Cheadle 1
For C. B. Nolan 1

Total 99
Paired:
Senator Donlan-Rep. Berry 2

Grand total 101

The President thereupon announced no election.

On demand of Senator McCarthy regular order of business was ordered and a fifth ballot for United States Senator was taken as follows:

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Burlingame, Christopher, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McConnell, Meyer, Selway, Survant, Sykes and Tooley—14.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—27.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—15.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. T. Pigott—Byrnes—1.

For T. C. Marshall—Higgins—1.

For Frank Woody—Owenhouse and Word—2.

For E. K. Cheadle—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—72.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	22
For T. H. Carter	44
For W. G. Conrad	25
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. T. Pigott	1
For T. C. Marshall	1
For Frank Woody	2
For E. K. Cheadle	1
For C. B. Nolan	1
Total	99
Paired:	
Senator Donlan-Rep. Berry	2
Grand total	101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

Berry, from the Committee on Enrollment, reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred Substitute House Bill No. 263, Substitute for House Bills Nos. 70, 61, 35 and 154, introduced by Blackburn, Woody, Holter and Blake, being a Bill for an Act entitled, "An Act providing for commission form of Government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," beg leave to report that the same is returned herewith correctly enrolled.

At this time Mr. Speaker announced that he was about to sign Substitute House Bill No. 263, a Bill for an Act entitled, "An Act providing for commission form of Government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation," and signed same in the presence of the House.

Baker, from the Committee on Printing, reported as follows: Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 315, 396, 412, 383, 393, 432, 332, 437 and Substitute for House Bill No. 67, beg leave to report same as correctly printed.

On motion of Stevens the House took a recess at 1:10 o'clock P. M., until 2:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:30 o'clock P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 27, 1911.

The Speaker of the House of Representatives,

House of Representatives, Helena, Montana.

I have this day approved and deposited with the Secretary of State, House Bill No. 86, "An Act defining and relating to wage broker; regulating assignment of wages and salaries as security for loans and fixing a maximum rate of interest for loans upon wages and salaries and providing penalties for violation thereof."

(Signed) EDWIN L. NORRIS, Governor.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, February 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 427, introduced by a Majority of the Joint Committee appointed under Senate Concurrent Resolution No. 3, having been read three several times and concurred in, is herewith returned.

Also, Substitute House Bill No. 283, substitute for House Bill 283, introduced by Paul, and House Joint Memorial No. 7, introduced by Vaughan, having been read three several times and concurred in, are herewith returned.

Also, Senate Joint Memorial No. 9, introduced by Leary, Senate Bill No. 187, by Kessler, Senate Bill 190, by McCarthy, and Senate Bill No. 184, by Larson, having been read three several times and concurred in are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

READING OF SENATE BILLS.

S. B. No. 184, a Bill for an Act entitled, "An Act to amend Section 2263 of the Revised Codes of 1907, relating to limitation of contracts and prohibiting further segregations under the Carey Land Act," read first and second times by title only, and referred to Committee on State Boards and Officers.

S. B. No. 190, a Bill for an Act appropriating money to refund to Dave Anderson a deposit made in bidding for the construction of a building at the Montana Agricultural College at Bozeman, Montana, read first and second times at length and referred to Committee on Appropriations.

S. B. No. 187, a Bill for an Act entitled, an Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1910, read first and second times at length and referred to the Committee on Appropriations.

READING OF SENATE JOINT MEMORIALS.

S. J. M. No. 9, a Memorial to Congress to release certain lands within forest reserves, read first and second times by title only, and referred to Committee on Federal Relations.

On motion of Eliel, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Crouch in the chair.

House resumed.

Mr. Speaker in the chair.

Crouch, from the Committee of the Whole, reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 370, a Bill for an Act entitled, "An Act prescribing the salary of certain appointive and deputy state officers, clerks, stenographers and employees at the State Capital," having had same under consideration, report same back to the House with the recommendation that it do pass as amended.

Also, having had under consideration, H. B. No. 426, a Bill for an Act entitled, "An Act authorizing and directing the Transfer of certain moneys in the General Fund to the maintenance account of certain state institutions," report same back with the recommendation that it do pass as amended.

Also, having had under consideration, H. B. No. 420, a Bill for an Act entitled, "An Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly," report same back to the House with the recommendation that it do pass.

Also, having had under consideration H. B. No. 390, a Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana," report same back to the House with the recommendation that it do pass.

Also, having had under consideration H. B. No. 400, a Bill for an Act entitled, "An Act appropriating money for the maintenance of the Executive and Judicial Departments of the State Government for two years, commencing March 1, 1911, and ending February 28, 1913," report same back to the House with the recommendation that it do pass as amended.

Also, having had under consideration H. B. No. 401, a Bill for an Act entitled, "An Act appropriating money for the maintenance and improvements of the various State Institutions of Montana, for two years, commencing March 1st, 1911, and ending February 28, 1913," report same back to the House with the recommendation that it do pass as amended.

Also, having had under consideration, H. B. No. 31, a Bill for an Act empowering the State Board of Directors of the Montana State Fair to acquire certain land for the use of the State Fair, report same back to the House with the recommendation that it do pass.

Also, having had under consideration, House Bill No. 199, a Bill for an Act entitled, "An Act providing for the payment of interest by the State on bounty claims presented and unpaid, and appropriating money therefor," report same back to the House with the recommendation that it do pass as amended.

Also, having had under consideration, H. B. No. 234, an Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and Forty Cents, turned into the Treasury of the State of Montana through error by the Board of Commissioners for the Insane, report same back to the House with the recommendation that it do pass as amended.

Also, having had under consideration H. B. No. 240, a Bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof," report same back to the House with the recommendation that it do pass.

Also, having had under consideration, H. B. No. 269, a Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie for salary as meat and milk inspector for Flathead County, between September 18, 1906, and April 20, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of Montana, 1907," report same back to the House with the recommendation that it do pass.

Also, having had under consideration, H. B. No. 288, a Bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claim," report same back to the House with the recommendation that it do pass.

Also, having had under consideration, H. B. No. 289, a Bill for an Act entitled, "An Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith, report same back to the House with the recommendation that it do pass as amended.

Also, having had under consideration, H. B. No. 301, a Bill for an Act to enable the State of Montana to purchase 400 maps of the State of Montana, for State and School purposes, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration, H. B. No. 324, an Act entitled, "An Act appropriating the sum of Two Hundred and Fifty ($250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection," report same back to the House with the recommendation that it do pass.

Also, having had under consideration, H. B. No. 376, an Act entitled, "An Act to pay employees of the Senate and House, as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of Montana," report same back to the House with the recommendation that it do pass as amended.

Report of the Committee of the Whole adopted.

On motion of Alley the House took a recess at 5:30 o'clock P. M., until 8:00 o'clock P. M.

EVENING SESSION.

House reassembled at 8:00 o'clock P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

REPORTS OF STANDING COMMITTEES.

Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 452, introduced by Alley, being a Bill for an Act entitled, "An Act to create a Court of Claims, and to prescribe its powers and duties," beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Binnard from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration Senate Bill No. 72, introduced by Meyer, the same being a Bill for an Act entitled, "An Act defining the term 'Itinerant vendors,' to regulate the licensing of same, to fix the amount of such license, to provide penalties for the violation of such regulation, and for other purposes," report the same back to the House with the recommendation that said bill be not concurred in, for the reason that a substitute Bill is herewith introduced in the House covering the same subject matter contained in Senate Bill No. 72.

Report adopted.

Also, Binnard from the Committee on Townships and Counties, reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration House Bill No. 368, introduced by Gray, the same being an "Act defining the term itinerant vendors, to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes," return this bill back to the House with the recommendation that the same do not pass.

Report adopted.

Also, Binnard from the Committee on Townships and Counties, reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, House Bill No. 365, introduced by Tolman, the same being a Bill for an Act entitled, "An Act defining the term itinerant vendors, to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for

other purposes," return the bill back to the House with the recommendation that the bill do not pass.

Report adopted.

Also, Binnard from the Committee on Townships and Counties, reported as follows:

Mr. Speaker:

We, your Committee on Townships and Counties, having had under consideration, Substitute for Senate Bill No. 72, introduced by the Committee on Townships and Counties, the same being an Act entitled, "An Act defining the term 'Itinerant Vendors,' to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation, and for other purposes," report the same back to the House with the recommendation that said substitute bill do pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary beg leave to report having had under consideration Senate Bill No. 160, recommend that the same be concurred in, with the following amendments:

That portion of Section 1, referring to counties of the 4th and 5th class, be amended to read as follows:

Under Sheriff	$1,800.00
Each deputy sheriff	1,500.00
Deputy clerks	1,500.00
Deputy treasurer and deputy assessor allowed by law at the rate of	1,500.00

And that portion of Section 1 referring to counties of the 6th, 7th and 8th class, be amended to read as follows:

Under sheriff not to exceed	$1,500.00
Each deputy sheriff not to exceed	1,500.00
Deputy clerks not to exceed	1,500.00
Deputy clerk, district court, not to exeed	1,200.00

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 102, introduced by Dobell, being a Bill for an Act to amend Section 6337, of the Revised Codes of Montana, relating to the qualifications and exemptions of jurors," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 21, introduced by Blake, being a Bill for an Act entitled, "An Act

to amend Section 3003, and Section 3257, of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money and for the furnishing of official bonds by such officers," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 101, introduced by Dobell, being a Bill for an Act with reference to the empaneling of a jury in trial in civil actions," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 316, introduced by Kirschwing, Brady and Story, being a Bill for an Act entitled, "An Act to amend Section 6068 of the Revised Codes of Montana, relating to the measure of damage of wrongs," beg leave to report the same back to the House with the recommendation that the same do not pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 399, introduced by O'Flynn, being a Bill for an Act entitled, "An Act to prohibit any person or persons from divulging the contents of telegraphic or telephonic messages, and providing a penalty therefor," beg leave to report the same back to the House with the recommendation that the same do pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 132, introduced by Leighton, being a Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of 1907, relating to exemption from taxation," beg leave to report the same back to the House with the recommendation that the same be not concurred in.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill

No. 143, introduced by Cockrell, being a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 26 of Article V of the Constitution, relating to prohibitions against the Legislative Assembly passing local or special laws in certain enumerated cases," beg leave to report the same back to the House with the recommendation that it be not concurred in.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 264, introduced by Bernard, being a Bill for an Act entitled, "An Act to amend Section 5769 of the Revised Codes of Montana," beg leave to report the same back to the House with the recommendation that it be indefinitely postponed; but that Substitute House Bill No. 264, be introduced in its stead, and that Substitute House Bill No. 264 be recommended for passage.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 347, introduced by O'Hern, being a Bill for an Act entitled, "An Act to prevent the desertion and abandonment of wife and children by persons charged by law with the maintenance thereof; to make such abandonment and desertion a felony and to prescribe the punishment thereof," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your committee on Judiciary to whom was referred House Bill No. 433, introduced by Schwartz, being a Bill for an Act entitled, "An Act to amend Sections 6513, 6515 and 6518, of the Revised Codes of Montana, 1907, relating to the commencement of actions, the issuance directing of the contents of summons, and the service and return thereof," beg leave to report same back to the House with the recommendation that it do not pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 27, introduced by Cockrell, being a Bill for an Act entitled, "An Act to punish desertion of wife by husband," report the same back to the House with the recommendation that it be not concurred in.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 74, introduced by Berry, being a Bill for an Act entitled, "An Act relating to the exemption of the earnings of a judgment debtor for personal services rendered where such debtor is married or is the head of a family," beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 120, introduced by McCone, being a Bill for an Act entitled, "An Act to require bonds from abstractors, and to provide security to the public against errors, ommissions and defects in abstracts of title of real estate, and for the use of abstracts in evidence, and to provide a penalty for the violation thereof," report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Martin, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 289, introduced by Bernard, a Bill for an Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith," and House Bill No. 324, introduced by the Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating the sum of Two Hundred and Fifty ($250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection," and House Bill No. 234, introduced by Paul, "An Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and Forty Cents, turned into the treasury of the State of Montana through error by the Board of Commissioners for the Insane," as being correctly engrossed.

Martin, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 426, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act authorizing and directing the transfer of certain moneys in the general fund to the maintenance account of certain State Institutions," and House Bill No. 390, introduced by Blackburn, a Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana," as being correctly engrossed.

Report adopted.

Also, Martin, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 290, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act to prohibit the possession, sale or other disposal of toy pistols and appliances, for use of blank cartridges or caps containing explosive substances, and of blank cartridges, caps or other explosive substance intended for use in toy pistols or other such appliances," and House Bill No. 271, introduced by Nolan, a Bill for an Act entitled, "An Act to appropriate $5,000.00 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders, and for the appointment of a Commission to assist in the erection of Memorial;" and Substitute House Bill No. 103, substitute for House Bill No. 103, introduced by the Fish and Game Committee, a Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of Montana of 1907, relating to the employment of a Director of the State Fish Hatchery and providing his salary;" and House Bill No. 111, introduced by Duffy of Granite, a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Article IX of the Constitution of the State of Montana, by adding a new clause to be numbered Section 14 of said Article, providing for the recall of public officers," as being correctly engrossed.

Also, Berry, from the Committee on State Lands, reported as follows:

Mr. Speaker:

Your Committee on State Lands to whom was referred Senate Bill No. 183, introduced by Leary, being a Bill for an Act entitled, "An Act to provide for the preservation of the forests and timber lands of and in the State of Montana, for the creation of the offices of fire wardens, and their compensation, and the manner of their appointment and term of office, and for the carrying into effect of the provisions of this act; defining the duties and powers of said officers and other officers in connection with this Act, prescribing the duties of persons, firm and corporations under this Act, and providing penalties for the violations of the provisions hereof, and repealing Sections XI, XII, XIII, XIV and XV, Chapter 174, the Laws of the Eleventh Legislative Assembly, report the same back to the House with the recommendation that said Bill will be concurred in.

Report adopted.

Also, Berry, from the Committee on State Lands, reported as follows:

Mr. Speaker:

Your Committee on State Lands to whom was referred Senate Bill No. 179, introduced by Whiteside, being a Bill for an Act entitled, "An Act prohibiting any person, cor-partnership or corporation from obstructing the waters of any navagable lake, within the State of Montana,

to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floating in and upon such navagable lake, and providing punishments for the violation of this Act," recommend that Section 1 of said Bill be amended by inserting after the word "lake" in line 6, the following: "so as to leave at all times 150 feet open water along the shore of such lake, except as provided in Section 2 of this Act," and that as amended, said Bill be concurred in.

Report adopted.

Also, Berry, from the Committee on State Lands, reported as follows:

Mr. Speaker:

Your Committee on State Lands to whom was referred Senate Bill No. 178, introduced by Whiteside, being a Bill for an Act entitled, "An Act regulating the leasing of lands which are, or may be, owned by the State of Montana, lying between the low and high water mark of any navagable lake within the State of Montana, and forbidding the sale or leasing thereof," recommend that Section 1 of said Bill be amended by striking out beginning in line 4, after the first word "State," all of line 5 and the first word in line 6 of the printed Bill, and that as amended said bill be concurred in.

Report adopted.

Also, Martin, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 240, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof," and House Bill No. 370, introduced by Blackburn, a Bill for an Act entitled, "An Act prescribing the salary of certain appointive and deputy State officers, clerks, stenographers and employees at the State Capitol," and House Bill No. 288, introduced by Reser, a Bill for an Act entitled, "An Act appropriating money for the payment of lost Bounty Claims," and House Bill No. 199, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act providing for the payment of interest by the State on Bounty Claims presented and unpaid and appropriating money therefor." House Bill No. 31, introduced by Nolan, a Bill for an Act empowering the Board of Directors of the Montana State Fair to acquire certain land for the use of the State Fair," and House Bill No. 269, introduced by Grubb, a Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie, for salary as meat and milk inspector for Flathead County, between September 18, 1906 and April 20, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of Montana of 1907," and House Bill No. 420, introduced by Eliel, a Bill for an Act entitled, "An Act to appropriate money to pay certain incidental ex-

penses of the Twelfth Legislative Assembly," as being correctly engrossed.

Also, Berry, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

I beg to report that I have this 27th day of February, 1911, at 3:25 P. M., handed to the Governor for his consideration, Substitute House Bill No. 263, substitute for House Bills Nos. 70, 61, 35 and 154, introduced by Blackburn, Woody, Holter and Blake, a Bill for an Act entitled, "An Act providing for a Commission Form of Government for Cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation."

A communication from the Chamber of Commerce of the City of Polson, relating to pending legislation, was offered by Macdonald, which communication was received and referred to the Committee on Waterways and Navigation.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign House Bill 263, substitute for House Bills Nos. 70, 61, 35 and 154, Substitute Senate Bill 59, and same were signed in open Session.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 121, by Donohue, has this day been introduced, read first and second times and referred to Committee on Agriculture and Manufacture.

Also, House Bill No. 392, by Duffy, has this day been introduced, read first and second times and referred to Committee on Mines and Mining.

Also, House Bill No. 148, by Donohue, has this day been introduced, read first and second times and referred to Committee on Insurance.

Also, House Bill No. 391, by Committee on Ways and Means, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Joint Memorial No. 6, by Byrnes, has this day been introduced, read first and second times and referred to Committee on Federal Relations.

Also, House Joint Memorial No. 10, by Tolman, has this day been introduced, read first and second times and referred to Committee on Federal Relations.

Also, House Joint Memorial No. 12, by Bernard, has this day been introduced, read first and second times and referred to Committee on Federal Relations.

Also House Joint Memorial No. 8, by Vaughan, was this day introduced, read first and second times and referred to Committee on Federal Relations.

Also House Joint Memorial No. 11, by McQuitty, has this day been introduced, read first and second times and referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced without having given previous notice:

By Everett: A Bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of One Thousand ($1,000.00) Dollars for reimbursement of moneys deposited as evidence of good faith in bidding upon contract."

By Joint Conference Committee: Substitute for Senate Bill No. 2, and House Bill No. 1. A Bill for an Act entitled, "An Act to provide for the holding of primary elections by political parties."

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 27, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bills were this day introduced, read first and second times and referred:

Senate Bill No. 199, by Everett—A Bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of One Thousand ($1,000.00) Dollars for reimbursement of moneys deposited as evidence of good faith in bidding upon contract." Referred to Committee on Finance and Claims. Committee recommends Bill to pass, report adopted, and referred to Printing Committee.

Senate Bill No. 200, by Joint Conference Committee, Substitute for Senate Bill No. 2, and House Bill No. 1. A Bill for an Act entitled, "An Act to provide for the holding of Primary Elections by Political Parties." Referred to Committee on Privileges and Elections.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

THIRD READING OF HOUSE BILLS.

House Bill No. 420, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blackburn, Blake, Brady, Byrnes, Dobell, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, McMurry, McNally, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Paul, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—52.

Noes—None.

Absent and not voting—Berry, Binnard, Burt, Crouch, Duffy of Silver Bow, Eliel, Hayes, Hewett, Johnson of Lewis and Clark, Kammerer, Lissner, McQuitty, Martin, Moore of Silver Bow, O'Flynn, Owenhouse, Ralston, Swick, Vaughan, Wheeler of Cascade, Woody—21.

Title agreed to.

House Bill No. 390, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Byrnes, Dobell, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, McNally, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Hern, Paul, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tuttle, Whaley, Williams, Ward, Mr. Speaker—48.

Noes—None

Absent and not voting—Berry, Brady, Burt, Crouch, Donohue, Duffy of Silver Bow, Eliel, Hayes, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McQuitty, Martin, Nolan, O'Flynn, Owenhouse, Ralston, Swick, Tolman, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Woody—25.

Title agreed to.

House Bill No. 290, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Byrnes, Dobell, Duffy of Granite, Ebert, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, McMurry, Moore of Valley, Murray, O'Hern, Paul, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tuttle, Whaley, Williams, Word, Mr. Speaker—45.

Noes—McNally, Moore of Silver Bow, Tolman—3.

Absent and not voting—Berry, Brady, Burt, Crouch, Donohue, Duffy of Silver Bow, Eliel, English, Hayes, Hewett, Johnson of Lewis and Clark, Kammerer, Lissner, McQuitty, Martin, Nelson, Nolan, O'Flynn, Owenhouse, Ralston, Swick, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Woody—25.

Title agreed to.

House Bill No. 271, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Byrnes, Dobell, Duffy of Granite, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Law, Macdonald, McMurry, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Whaley, Williams, Word and Mr. Speaker—46.

Noes—McNally and Moore of Silver Bow—2.

Absent and not voting—Brady, Burt, Crouch, Donohue, Duffy of Silver Bow, Ebert, Eliel, English, Hayes, Hewett, Johnson of Lewis and Clark, Kammerer, Kirschwing, Lissner, McQuitty, Martin, O'Flynn, Owenhouse, Paul, Ralston, Swick, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade and Woody—25.

Title agreed to.

Substitute for House Bill No. 103, having been read three several times, was passed by the following vote.

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Byrnes, Dobell, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Whaley, Wheeler of Silver Bow, Word and Mr. Speaker—50.

Noes—None.

Absent and not voting—Brady, Burt, Crouch, Duffy of Silver Bow, Eliel, Hayes, Hewett, Jacobson, Johnson of Lewis and Clark, Kammerer, Lissner, McNally, McQuitty, O'Flynn, Owenhouse, Paul, Ralston, Swick, Tuttle, Vaughan, Wheeler of Cascade, Williams and Woody—23.

Title agreed to.

House Bill No. 111, introduced by Duffy of Granite, being a Bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, an amendment to Article IX of the Constitution of the State of Montana by adding a new clause to be numbered Section 14 of said Article, providing for the recall of public officers."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That there shall be submitted to the qualified electors of the State of Montana at the next general election, an amendment to Article IX of the Constitution of the State of Montana, by adding a new Section to be numbered Section 14 of Article IX, providing for the recall of public officers so that said Section 14 of said Article IX will read as follows:

Section 14. Every public officer in Montana is subject as herein provided, to recall by the legal voters of the State or of the District from which he is elected. There may be required twenty-five per cent, but not more, of the number of voters who voted in his District at the preceding election of said officer to file their petition demanding his

recall by the people. They shall set forth in said petition the reasons for said demand. If he shall offer his resignation it shall be accepted and take effect on the day it is offered and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held within thirty days in his said District to determine whether the people shall recall said officer. On the sample ballot at said election shall be printed in not more than two hundred words, the reason for demanding the recall of said officer, as set forth in the recall petition, and in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall is filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to said office shall be filed, and thereupon the proper officer or officers shall order the special election when it is required. No such petition shall be circulated against any officer until he has actually held his office six months, save and except that it may be filed against a Senator or Representative in the Legislative Assembly at any time after five days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election.

Such additional legislation as may aid the operation of this Section shall be provided by the Legislative Assembly, including provision for the payment out of the public treasury of the reasonable special election campaign expenses of said officer. But the words "the Legislative Assembly shall provide" or any similar or equivalent words shall not be construed to grant to the Legislative Assembly any exclusive power of law making, nor in any way to limit the initiative and referendum powers reserved by the people.

Section 2. The votes upon this amendment shall be counted and canvassed by such persons and in such manner as provided by law, and if the majority of the votes cast at said election for and against the amendment, shall be in favor of the amendment, the Governor of the State shall immediately so declare, by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Section 3. A separate official ballot shall be prepared by the county clerk of each county to furnish to the judges of election in each precinct in the county, to be used in voting upon said Constitutional amendment at the general election to be held in November, 1912, and shall have printed thereon the following words, in such manner as to allow every elector the opportunity to indicate thereon by proper marks

his preference, to-wit: "For the amendment of the constitution relating to the recall of public officers." "Against the amendment to the constitution of the constitution relating to the recall of public officers."

Section 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval. Having been read three several times was passed by the following vote :

Ayes—Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Jordan, Kirschwing, Law, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Schwartz, Story, Swick, Tolman, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—51.

Noes—Alley, Murray, Nelson, Sarter, Slayton and Stevens—6.

Absent and not voting—Berry, Burt, Byrnes, Eliel, Hayes, Hewett, Jacobson, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McQuitty, Owenhouse, Rodgers, Tuttle and Vaughan—16.

Title agreed to.

House Bill No. 426, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Law, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—50.

Noes—None.

Absent and not voting—Baker, Blackburn, Blake, Brady, Burt, Byrnes, Eliel, Hayes, Hewett, Johnson of Lewis and Clark, Kammerer, Kirschwing, Lissner, Macdonald, McQuitty, Murray, Nolan, O'Flynn, Owenhouse, Rodgers, Tuttle, Vaughan and Woody—23.

Title agreed to.

House Bill No. 240, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Crouch, Dobell, Donohue, Duffy of Granite, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Hern, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—48.

Noes—None.

Absent and not voting—Baker, Blackburn, Blake, Brady, Burt, Byrnes, Duffy of Silver Bow, Ebert, Eliel, Hayes, Hewett, Johnson of

Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McQuitty, Nolan, O'Flynn, Owenhouse, Paul, Rodgers, Tuttle, Vaughan and Wheeler of Silver Bow—25.

Title agreed to.

H. B. No. 370, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blake, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, McMurry, Martin, Murray, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Blackburn, Burt, Donohue, Duffy of Silver Bow, Gillis, Hayes, Hewett, Johnson of Lewis and Clark, Kammerer, Lissner, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Nelson, Owenhouse, Tuttle, Vaughan and Wheeler of Silver bow—19.

Title agreed to.

H. B. No. 288 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Blackburn, Blake, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kirschwing, Law, Macdonald, McMurry, Murray, O'Flynn, Paul, Ralston, Reel, Reser, Roberts, Sarter, Slayton, Stevens, Story, Swick, Tolman, Whaley, Williams, Woody, Word and Mr. Speaker—47.

Noes—None.

Absent and not voting—Alley, Berry, Burt, Donohue, Duffy of Silver Bow, Gillis, Hayes, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Lissner, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Hern, Owenhouse, Schwartz, Tuttle, Vaughan, Wheeler of Silver Bow and Wheeler of Cascade—26.

Title agreed to.

H. B. No. 199 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Duffy of Silver Bow, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kirschwing, Law, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Murray, Nolan, O'Flynn, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Wheeler of Cascade, Williams, Word and Mr. Speaker—50.

Noes—None.

Absent and not voting—Baker, Burt, Dobell, Donohue, Duffy of Granite, English, Hayes, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Lissner, McQuitty, Moore of Valley, Nelson, O'Hern, Owenhouse, Paul, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow and Woody—23.

Title agreed to.

H. B. No. 31 having been read three several times was passed by the following vote:

Ayes—Bell, Bernard, Berry, Blackburn, Blake, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Herbold, Hickey, Holter, Jordan, Kammerer, Law, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, Ralston, Reel, Reser, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Word and Mr. Speaker—40.

Noes—Grubb, Higgins, Holt, Jacobson, Kirschwing, Macdonald, McMurry, Roberts, Stevens, Wheeler of Cascade and Williams—11.

Absent and not voting—Alley, Asbridge, Baker, Binnard, Brady, Burt, Donohue, Hayes, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Lissner, McNally, McQuitty, Moore of Valley, O'Hern, Owenhouse, Paul, Vaughan, Whaley, Wheeler of Silver Bow and Woody—22.

Title agreed to.

H. B. No. 269 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blackburn, Blake, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kammerer, Kirschwing, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—55.

Noes—Ebert and Law—2.

Absent and not voting—Baker, Binnard, Brady, Burt, Byrnes, Hayes, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Lissner, McNally, McQuitty, Nelson, Owenhouse, Vaughan and Whaley—16.

Title agreed to.

H. B. No. 289 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blackburn, Blake, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Kammerer, Kirschwing, Law, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reel, Reser, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—54.

Noes—None.

Absent and not voting—Baker, Binnard, Brady, Burt, Byrnes, Hayes, Hewett, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Lissner, McNally, McQuitty, Owenhouse, Roberts, Vaughan, Whaley and Wheeler of Silver Bow—19.

Title agreed to.

H. B. No. 324 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Blackburn, Blake, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Kammerer, Kirschwing, Law, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Hern, Paul, Ralston, Reel, Reser, Rodgers, Sarter, Schwartz, Story, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—51.

Noes—None.

Absent and not voting—Binnard, Brady, Burt, Duffy of Silver Bow, Hayes, Hewett, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Lissner, McNally, McQuitty, Nolan, O'Flynn, Owenhouse, Roberts, Slayton, Stevens, Vaughan, Whaley and Wheeler of Silver Bow—22.

Title agreed to.

H. B. No. 234 having been read three several times was passed by the following vote:

Ayes—Asbridge, Baker, Bell, Bernard, Blackburn, Blake, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Kirschwing, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Hern, Paul, Ralston, Reel, Reser, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Cascade, Williams, Word and Mr. Speaker—49.

Noes—None.

Absent and not voting—Alley, Berry, Binnard, Brady, Burt, Hayes, Hewett, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Lissner, McNally, McQuitty, Nolan, O'Flynn, Owenhouse, Roberts, Vaughan, Whaley, Wheeler of Silver Bow and Woody—24.

Title agreed to.

Baker offered the following motion:

Mr. Speaker:

I move that a Committee of four members of the House be appointed by the Speaker to attend the funeral of the wife of the Hon. Tom A. Johnson, who departed this life Monday, February 27. Motion unanimously adopted and Mr. Speaker appointed the following Committee pursuant thereto:

Baker, Whaley, Ralston and Murray.

On motion of Eliel the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Duffy of Silver Bow in the chair.

House resumed.

Mr Speaker in the chair.

Duffy of Silver Bow from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 421, an Act appropriating money for the payment of deficiency

claims for the maintenance of the National Guard and expense of Adjutant General's office, authorized by the State Board of Examiners, having had same under consideration beg leave to report same back to the House with the recommendation that it do pass.

Also having had under consideration House Bill No. 310, a Bill for an Act entitled: "An Act to establish a State Hospital to be known as the 'Montana State Tuberculosis Sanitarium' in some suitable location in the State of Montana, for the treatment of tuberculosis and also what is commonly known as Miners' consumption prescribing rules and regulations for the same and making appropriation therefor" report same back to the House with the recommendation that it do pass.

Report of the Committee of the Whole adopted.

On motion of O'Hern the House adjourned at 10:45 o'clock P. M. to meet tomorrow morning at ten o'clock A. M.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAY, Chief Clerk.

Fifty-Eighth Day.

Tuesday, February 28, 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Hewett.

On motion of Jordan the Journal of the Fifty-seventh day as read was approved.

COMMUNICATIONS AND PETITIONS.

The following communication was received from the Steering Committee:

To the Chief Clerk, House of Representatives:

Place Senate Bill No. 145 at the head of General Orders on the board.

(Signed:) BYRNES.

REPORTS OF STANDING COMMITTEES.

O'Flynn from the Committee on Insurance reported as follows:

Mr. Speaker:

Your Committee on Insurance having had under consideration House Bill No. 448, being a Bill for an Act entitled, "An Act to regulate the payment of accrued insurance or services by mutual benefit burial associations or burial corporations," introduced by Duffy of Silver Bow, report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Whaley from the Committee on Irrigation and Water Rights reported as follows:

Mr. Speaker:

We your Committee on Irrigation and Water Rights to whom was referred House Bill No. 157 introduced by Brady, entitled, "An Act providing for the substitution and exchange of water for irrigation by appropriators and users of water from the same source or stream" after having had the same under consideration, beg leave to report the same back to the House without recommendation.

Report adopted.

Also Whaley from the Committee on Irrigation and Water Rights reported as follows:

Mr. Speaker:

We your Committee on Irrigation and Water Rights to whom was referred House Bill No. 90, introduced by Byrnes, entitled, "An Act to amend Section 8787 of the Revised Codes of 1907, relating to the placing of sawdust in streams, lakes or ponds," after having had the same under consideratino, beg leave to report the same back to the House without recommendation.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

Your Committee on New Counties and Divisions to whom was referred House Bill No. 20 introduced by Moore of Valley, being a Bill for an Act entitled, "An Act to create the County of Lake, define its boundaries and provide for its organization and government," beg leave to report same back to the House with the following amendments:

Strike out the word "Lake" as it appears in the title and elsewhere in the bill and insert in lieu therof the word "Shaw."

Strike out the words "fifty and fifty-one" in line five and insert in lieu thereof the words "forty-seven and forty-eight."

Amend Section 9 by striking out the list of officers named therein and insert in lieu thereof the following officers, to-wit.

William McBridge, County Commissioner.
P. J. Eie, County Commissioner.
John Archer, County Commissioner.
Frank M. Gatlin, County Attorney.
H. B. Hill, Clerk of the Court.
John Bennett, Clerk and Recorder.
R. S. Richardson, Assessor.
W. T. Stephens, Sheriff.
G. L. Zimmerman, Treasurer.
Olaf Berg, Surveyor.
Edith Singleton, Superintendent of Schools.
F. D. McCormick, Coroner.
V. H. Bostwick, Public Administrator.

And with the foregoing amendments respectfully recommend that the bill do pass.

Report adopted.

Also Whiteside from the Special Joint Committee appointed to investigate the Carey Land Projects and other State Lands reported as follows:

Helena, Montana, February, 18, 1911.

To the Senate and House of Representatives:

"Your Joint Committee appointed to investigate the Carey Land Projects and other State lands, beg leave to submit the following report:

"Your Committee has held almost daily sessions since it was appointed on January 9th, and has examined a large number of witnesses from various parts of the State. From the evidence secured, we believe that many of the projects have been delayed by the fact that the parties with whom the State has made contracts for the reclamation of the lands, are mere promoters who must secure capital from other parties to carry on the work, and while this is to a large extent a necessary evil, we believe the State should not withhold large areas of land from settlement at the pleasure of promoters who have but little prospect of ultimate success, and we believe the Carey Board should at all times insist upon substantial progress on the part of those with whom contracts for reclamation have been made, and should not allow work to stop on any project until just before the date set for the completion of the work, and then assist the contarctors in getting an extension of time from the United States Government.

"Of the eleven projects in the State only three have been approved by the United States Government, the others being held up, in most instances, awaiting more complete data concerning the water supply. It is incumbent on the contractors and promoters to furnish this data to the Government and in many instances they are doing little or nothing to make the necessary measurements of streams and drainage areas. The Land Department at Washington is also exceedingly slow in passing upon the various projects submitted to it, and we recommend that this feature be brought to the attention of Montana's Representatives in the National Congress.

The present organization of the Carey Board is not such as to secure the best results. The State Examiner and the State Engineer are necessarily away from the State Capitol a good portion of the time and it is often difficult to secure a quorum for the transaction of business. As Chairman of the Carey Board, the State Engineer is obliged to pass upon his own reports and recommendations made to the Board after examination in the field. We therefore recommend the passage of Senate Bill No. 8, which changes the personnel of the Board and makes the State Engineer Secretary of the Board, instead of Chairman.

The total area of lands segregated in all the Carey projects in the State, not including those lands that have been relinquished, amounts to 411,343 acres. The total amount reclaimed up to this time is 36,846 acres, and the amount actually settled is 30,200 acres. The total

amount of money expended on all the projects amounts to the sum of $3,050,000.00 in round figures, but a considerable portion of this is chargeable to the reclamation of private lands that are intermixed with the Carey lands.

The projects heretofore approved by the Government contain 172,247 acres while the projects awaiting approval contain 239,000 acres. Until the projects are approved by the Government, the contractors cannot be required to proceed with the work of actual construction and for this reason, we recommend the passage of Senate Bill No. 20, which provides funds to be used in the measurement of streams in the State. In the Teton project we find that an area of 135,000 acres has been segregated and now awaits approval by the United States Government, and a large portion of this will have to be relinquished because it is above the water level or because of insufficiency of the water supply. No surveys are now being made to determine what lands must be relinquished, and the contractors have until May 1st, 1911, to complete this preliminary work.

The stockholders of the corporation having this project in hand are in litigation between themselves; the minority holders, representing about one-third of the stock, are desirous of relinquishing the Carey lands in order to use the water on private lands. We are of the opinion that the Carey Board should not allow this litigation to delay the work on the project. About $200,000.00 has been expended by the corporation on this project, most of which expenditure was made before the scheme was converted into a Carey Project, and the segregation has not yet been approved by the United States Government for the reason that the company has not furnished the data showing the water supply, and with the assistance of the Carey Board, has secured extensions of time in which to furnish such data. This approval will no doubt be withheld until complete data concerning the water supply is furnished, and until the surveys are finished, which will permit the elimination of the non-irrgable lands.

Your Committee believes the Carey Board should require immediate and continuous work to determine what lands are ot be relinquished, and that all such lands should be relinquished as soon as possible for the benefit of homeseekers, and the time fixed by the Board in which the contractors are required to make the surveys and do other preliminary work, should not be extended by the Board.

In the Big Timber project substantial progress has been made in the reclamation of lands on the north side of the Yellowstone River, but on the south side of the river over 40,000 acres were segregated in 1898, and practically nothing has been done toward reclamation, except that about $25,000 has been expended in engineering work.

On October 26, 1910, 31,188 acres of this land was relinquished, after having withheld from settlement for more than twelve years. There still remains in the project 11,233 acres, and your Committee believes the actual work of reclamation should start or the land still held should be relinquished for the benefit of settlers.

In the Musselshell project, containing 20,308 acres, much delay has

been occasioned by routine or red tape work in the United States Land Department. One of the promoters of this project became a member of the Carey Board, and was on the Board when the application for segregation was made, but claims to have disposed of his interest before acting on the Board. The promoters on this and other projects must secure outside capital for carrying on the work. The promoters cannot be required to begin actual construction work until the project has been approved by the United States Government, but when this approval is secured, we believe the Carey Board should require the work of construction to begin without delay, failing in which the land should be relinquished for the benefit of settlers. Two members of your Committee, Larson and McQuitty, are of the opinion that the Carey Board should in all cases require those who apply for the segregation of land, to furnish a good and sufficient bond to insure the reclamation of the lands segregated, and that Senate Bill No. 184, which forbids any further segregations and requires the Carey Board to relinquish 85,000 acres of the Teton project, all of the Dearborn project, and 11,000 acres of the Big Timber project, should be passed. The other members of your Committee are of the opinion that the Carey projects, where properly conducted, are of great value in developing the State, and do not believe that any legislation should be passed to hamper or impede the work.

In the matter of State lands other than Carey lands, investigated by your Committee, we find that one H. R. Thompson, an attorney of Helena, Montana, made application to the State Board of Land Commissioners for a lease of a certain strip of shore land on Flathead Lake, and that later, on September 9th, 1910, the Board granted a lease on the land for five years, the lease being executed in the name of Ellen E. Thompson, wife of the original applicant. The land covered by the lease consists of a narrow strip of lake shore about 125 feet wide, lying between high and low water mark, and extending along the lake shore for a distance of about 1100 feet, at a point near the town of Polson. The land in question embraces all of the land that is available for landing purposes at the point named, and it has been used by the public for such purpose ever since navigation first started on Flathead Lake. Polson is a city of nearly two thousand people, and all of the docks, wharves and warehouses used by the people of that place in connection with navigation on the lake, are situated on this strip of land. As there is no railroad at or near Polson, all of the shipping of that entire section is carried on over the lake.

The townsite of Polson was platted by the United States Government before the opening of the Flathead Indian Reservation, and all of the land adjoining the strip now under lease was opened and dedicated by the Government to the public, to be used as streets. None of this land ever belonged to the state, and the only title now claimed by the state to the strip of land under lease is the sovereignty which the state exercises over the beds of all navigable waters within the state.

The land was leased for the ostensible purpose of removing sand

and gravel but the real purpose of the lessee was to secure control of all the land available for docks and wharves. The rental paid to the State by the lessee is five dollars per month for the entire tract, and the rental asked of subtenants by the lessee amounts to $600.00 per annum for 50 feet frontage. The only correct term by which to designate such a transaction, is highway robbery.

Before leasing the land, the Board secured an opinion from Attorney General Galen, who is also a member of the Board. The opinion upholds the authority of the Board to lease such land, but Section 4529 of the Revised Codes of 1907 provides that the owner of land bordering a navigable lake or stream takes to low water mark, and Chapter 38 of the Eleventh Session Laws gives the owner of such land the right to use the bed of the lake or stream adjoining his land for docks and wharves. Testifying before the Committee on February 2, 1911, Attorney General Galen stated that he had not known of the provisions of the statutes cited above until they were called to his attention by the Committee. His official opinion unholding the validity of the lease was written on December 28, 1910. The Attorney General submitted a long list of court decisions to the Committee to sustain his contention that the State has the right to lease such lands for private purposes, but the decisions hold, almost without exception, that the State has no proprietory interst in such lands and that the State only holds he lands in trust for public use.

Inasmuch as the State law, giving title to low water mark, was enacted before the land adjoining this strip was dedicated by the United State Government to public use, such dedication extended to low water mark, and the State has no right over such land except the power of police regulation over the bed of the navigable water.

In testifying before the Committee, the members of the State Land Board, including Governor Norris and Attorney General Galen, maintained that they have authority to lease a strip of land between high and low water mark around the entire lake, to the exclusion of the public. But on being recalled a few days later, Mr. Galen admitted that this contention was not correct.

If the lease given by the State on this strip of land is valid in law, the lessee can fence in the land and thus exclude the people of Polson from all access to the lake.

Section 64 of the Revised Codes of 1907 provides that faithful performance of any land contract with the State must be secured by a bond, which must be approved by the County Treasurer of the County in which the land is situated. In the present case, the bond given by the lessee was approved by the Attorney General and accepted by the State Land Board, although not approved by the County Treasurer of Flathead County, and the lease is at least voidable at the pleasure of the State Land Board.

The people of Polson had no knowledge of the lease until, long after it was executed, and as soon as they learned of it, they made vigorous protest to the State Land Board and sent a committee to Helena to ask that the lease be revoked, but they received no redress

at the hands of the State Land Board.

In view of all the circumstances in connection with this matter, the conclusion is inevitable that the State Land Board acted in total disregard of the rights of the people of Polson in granting a lease which enables a speculator to exercise a monopoly over a public thoroughfare, which of right belongs to the people and over which the Board has no legal right to grant a lease. Governor Norris, Chairman of the State Land Board, and other members of the Board, maintained upon the witness stand that the Thompson lease is a lease for public purposes because the money received goes into the public treasury, but this contention is hardly worthy of serious consideration.

The leasing of the shore lands or beds of navigable waters for private purposes is something unprecedented in the history of the Country, and is repugnant to the spirit of American Freedom, which from time immemorial has held such privileges to be the common heritage of the whole people, to be enjoyed by all without interference by the State, except such police regulations as are necessary to insure equal enjoyment to all.

To prevent any such arbitrary and unjust action in the future we recommend the passage of Senate Bill No. 178, which forbids such action, and we recommend the passage of a resolution by the Legislature directing the State Board of Land Commissioners to rescind the lease given to Ellen E. Thompson.

The evidence taken by your Committee has been filed with the Secretary of the Senate and the Clerk of the House.

Respectfully submitteed,

WHITESIDE, Chairman.

On motion of Gray report adopted.

Also Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 92, 444, 375 and House Joint Memorial No. 14, beg leave to report same as correctly printed.

READING OF HOUSE JOINT MEMORIALS.

H. J. M. No. 15, a Memorial to petition Congress to adopt Resolutions now pending to recognize right of American Citizenship under Treaty, read first and second times by title only, and referred to Committee on Federal Relations.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 27th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 152, introduced by Roberts, being a Bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity and to provide for the licensing of vendors of the same," Committee

on Agriculture and Manufactures to whom bill was referred, having had same under consideration, report back with recommendation that bill be not concurred in, report adopted, and bill is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 27th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 158, introduced by Edwards, Senate Bill No. 129, introduced by Stout, and Senate Bill No. 127, introduced by Committee on Elections and Privileges, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 129, a Bill for an Act entitled, "An Act providing for the appointment by County Commissioners of Land Examiners, and prescribing the duties and fixing the compensation of such persons so appointed," read first and second times by title only and referred to Committee on Judiciary.

S. B. No. 197, a Bill for an Act entitled, "An Act to provide an additional judge for the Twelfth Judicial District of the State of Montana, so that there will hereafter be two judges in said District," read first and second times by title only and referred to Committee on Judiciary.

S. B. No. 158, a Bill for an Act entitled, "An Act to require banks of discount and deposits and trust companies accepting savings deposits to treat them as such, according to the laws of Montana governing the loans and investments and reserve of savings banks," read first and second times by title only and referred to Committee on Banks and Banking.

On motion of Alley the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Law in the chair.

House resumed.

Mr. Speaker in the chair.

Law from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 145, a Bill for an Act entitled, "An Act providing for an appraisal commission to investigate and report with respect to the reasonable value of the property of the copartnership of Mitchell & Musigbrod, located in Deer Lodge County, the purchase of which has been recommended by joint committee; providing for the acceptance of the terms of this Act and for arbitration in order to reach agreement respecting

the value of the property, and prescribing the duties of the State Board of Examiners in the premises," having had same under consideration report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration H. B. No. 274, a Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of the Constitutional limit and to provide for the issuance of bonds in the name of the State for the purchase of the property of Mitchell & Musigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the State's indigent insane, and others in need of hospital attention and treatment, all in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 352, a Bill for an Act entitled, "An Act to provide that State Officials shall receive only their actual traveling expenses, and to provide for the payment of the expenses of District Judges, incurred on account of holding court in counties other than the counties where they reside," report same back to the House with the recommendation that it do pass as amended.

Law moved the adoption of the report of the Committee of the whole.

Higgins moved as a substitute motion that the report of the Committee of the Whole be adopted except that S. B. No. 145 be segregated from the report and be reported upon separately.

Substitute motion, upon roll call, was lost by the following vote:

Ayes—Asbridge, Bell, Bernard, Binnard, Donohue, Grubb, Herbold, Higgins, Jordan, Law, Macdonald, McQuitty, Nelson, O'Hern, Reser, Tolman, Tuttle, Whaley, Wheeler of Silver Bow and Woody—20.

Noes—Alley, Berry, Blackburn, Blake, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Hayes, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Kammerer, Kirschwing, McNally, Martin, Moore of Silver Bow, Murray, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—45.

Absent and not voting—Baker, Ebert, Hewett, Johnson of Lewis and Clark, Lissner, McMurry, Moore of Valley, Reel—8.

Report of the Committee of the Whole was thereupon adopted.

The hour of 11:45 A. M. having arrived the Chief Clerk called the roll and found all members present except Hewett, who was paired with Law.

Alley offered the following motion:

I move that the Committe on Rules be requested to consider a special rule governing the consideration in Committee of the Whole of Senate Bills 20, 23, 108, 125, 151, 84 and 55.

Motion prevailed and the motion as offered was referred to the Committee on Rules, Joint Rules and Order of Business.

JOINT SESSION.

The Senate and House of Representatives convened at 12 o'clock Noon in Joint Assembly, and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except Hewett who was paired with Law.

The President finding a quorum of both bodies present, announced that pursuant to Section XV Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurray, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—16.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—20.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—29.

For W. T. Pigott—Byrnes—1.

For F. C. Webster—Higgins—1.

For Frank Woody—Owenhouse and Word—2.

For E. K. Cheadle—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	23
For T. H. Carter	44
For W. G. Conrad	24
For Frank Woody	2
For T. M. Swindlehrust	1
For W. R. Allen	1
For W. T. Pigott	1
For F. C. Webster	1
For E. K. Cheadle	1
For C. B. Nolan	1
Total	99
Paired:	
Hewett-Law	2
Grand total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a second ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

For Frank Woody—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Berry, Binnard, Brady, Donohue, Johnson of Ravalli, Kirschwing, McMurray, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—16.

For W. G. Conrad—Alley, Baker, Blackburn, Crouch, Dobell, Duffy, of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—20.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—29.

For W. T. Pigott—Byrnes—1.

For F. C. Webster—Higgins—1.

For Frank Woody—Owenhouse and Word—2.

For E. K. Cheadle—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The President of the Senate thereupon announced the following result:

For T. J. Walsh..... 23
For T. H. Carter..... 44
For W. G. Conrad..... 23
For Frank Woody—..... 3
For W. R. Allen..... 1
For T. M. Swindlehurst..... 1
For W. T. Pigott..... 1
For F. C. Webster..... 1
For E. K. Cheadle..... 1
For C. B. Nolan..... 1

Total..... 99

Paired:
Hewett-Law..... 2

Grand total.....101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the Hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Binnard the House took a recess at 12:30 o'clock P. M. until 2:00 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

COMMUNICATIONS AND PETITIONS.

A communication from the Chamber of Commerce of the City of Polson protesting against the passage of H. B. No. 291, dealing with the matter of giving owners of property along the lake front on the navigable waters of the state, the right to construct wharves, docks, etc., was received and read and referred to the Committee on Waterways and Navigation.

REPORTS OF STANDING COMMITTEES.

Hayes from the Committee on Rules, Joint Rules and Order of Business reported as follows:

Mr. Speaker:

We, your Committee on Rules to whom was referred the motion that the reading in full, in Committee of the Whole, of Senate Bills Nos. 20, 23, 108, 125, 151, 84 and 55 be dispensed with, having had the same under consideration, beg leave to report back that the Committee on Rules recommend that the aforesaid motion be adopted.

Report adopted.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No.

362 and Substitute House Bill No. 454 beg leave to report the same as correctly printed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 400, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act appropriating money for the maintenance of the Executive and Judicial Departments of the State Government for two years, commencing March 1, 1911, and ending February 28, 1913," and

House Bill No. 376, introduced by Paul, a Bill for an Act entitled, "An Act to pay employees of the Senate and House, as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana," and

House Bill No. 301, introduced by Byrnes, a Bill for an Act to enable the State of Montana to purchase 400 maps of the State of Montana for State and School purposes, and

House Bill No. 401, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the maintenance and improvements of the various State Institutions of Montana, for two years commencing March 1, 1911, and ending February 28, 1913," as being correctly engrossed.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred a Substitute for House Bill No. 213, introduced by Alley, a Bill for an Act entitled, "An Act to amend Section 8582 of the Revised Codes of Montana of 1907, relating to carrying concealed weapons in cities and towns.

Substitute House Bill No. 283, Substitute for House Bill No. 283, introduced by Paul, a Bill for an Act entitled, "An Act fixing salary of the warden, deputy warden, assistant warden clerk, physician, matron, captain of the guard, the guards of the state prison of the State of Montana."

House Joint Memorial No. 7, introduced by Vaughan, a Memorial to Congress relating to the practice of polygamy and requesting a constitutional convention to amend United States Constitution as provided by Article V thereof, beg to report that the same are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 427, introduced by a majority of the Joint Conference Committee appointed under Senate Concurrent Resolution No. 3, a Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in Congress of the United States by political party conventions, or by certificate and petition, and providing that such can-

didates shall be voted for by the electors of the State, in the same manner as candidates for State Officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected, and to amend Section 545 of the Revised Codes of 1907, of the State of Montana, so as to provide for placing on the official ballot the names of candidates for United States Senator," beg leave to report that the same is returned herewith properly enrolled.

At this time Mr. Speaker announced that he was about to sign H. J. M. No. 7, a petition to Congress to call a constitutional convention to propose an amendment to the Constitution of the United States to prohibit polygamy, and signed same in the presence of the House.

Also H. B. No. 427, a Bill for an Act entitled, "An Act to provide for the nomination of candidates for the office of Senator in Congress of the United States by political party conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the State, in the same manner as candidates for State Officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected, and to amend Section 545 of the Revised Codes of 1907 of the State of Montana, so as to provide for placing on the official ballot the names of candidates for United States Senator," and signed same in the presence of the House.

Also Sub. for H. B. No. 283, a Bill for an Act entitled, "An Act fixing the salary of the Warden, Deputy Warden, Assistant Deputy Warden, Clerk, Physician, Matrons, Captain of the Guard and Guards of the State Prison of the State of Montana," and signed the same in the presence of the House.

Also Sub. for H. B. No. 213, a Bill for an Act to amend Section 8582 of the Revised Codes of Montana of 1907, relating to carrying concealed weapons in cities or towns, and signed same in the presence of the House.

MAJORITY REPORT.

Bell, Reser, Gray, Berry and Macdonald from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We the undersigned members of the Committee on Townships and Counties, being a majority membership of said Committee, respect-

fully report having been present at the meeting at which said Committee had under consideration Senate Bill No. 82, introduced by Groff, being a Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana for 1907, relating to gambling, and providing punishment therefor," desire to recommend that the same be concurred in.

MINORITY REPORT.

Binnard, Gillis and Martin from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We the undersigned members of the Committee on Townships and Counties, being a minority membership of said Committee, respectfully report having been present at the meeting at which said Committee had under consideration Senate Bill No. 82, introduced by Groff, being a Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana for 1907, relating to gambling, and providing punishment therefor," desire to recommend that the same be not concurred in.

Reser moved the adoption of the Majority Report of the Committee on Townships and Counties.

Binnard moved the adoption of the Minority Report of the Committee on Townships and Counties.

Upon roll call the Majority Report was adopted by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Berry, Blake, Brady, Burr, Byrnes, Donohue, Ebert, Eliel, English, Gray, Grubb, Hickey, Higgins, Jacobson, Johnson of Ravalli, Jordan, Law, McQuitty, Moore of Valley, Murray, Nelson, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reser, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Williams, Woody and Mr. Speaker—42.

Noes—Binnard, Duffy of Granite, Duffy of Silver Bow, Gillis, Hayes, Holt, Holter, Kammerer, Kirschwing, McNally, Moore of Silver Bow, Reel, Roberts, Rodgers, Schwartz, Stevens, Wheeler of Silver Bow, Wheeler of Cascade and Word—19.

Absent and not voting—Asbridge, Blackburn, Crouch, Dobell, Herbold, Hewett, Johnson of Lewis and Clark, Lissner, Macdonald, McMurry, Martin, O'Flynn—12.

Binnard, Berry, Sarter, Martin, Bell, Reser and Gillis from the Committee on Townships and Counties reported as follows:

Mr. Speaker:

We your Committee on Townships and Counties having had under consideration Senate Bill No. 177, introduced by Donlan, the same being a Bill for an Act entitled, "An Act for the changing of names of any natural stream, water course, spring, dry coulee, creek, river, lake and other natural source of water supply which lies wholly within the limits of one county," report the same back to the House with the recommendation that said bill be concurred in.

Report adopted.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, February 28, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State, Substitute House Bill No. 263, "An Act providing for commission form of government for cities, providing for the election of officers therein, defining their duties and powers and providing for their compensation."

(Signed) EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 28th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 221, introduced by Byrnes, having been read three several times and concurred in is herewith returned.

Also House Bill No. 148, introduced by Donohue, having been read three several times and concurred in is herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, February 28th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 66, introduced by Stevens, having been read three several times and concurred in as amended, is herewith transmitted for your concurrence in Senate amendments.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 28th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute H. B. No. 339, Substitute for House Bills No. 79 and No. 65, introduced by Judiciary Committee; also H. B. No. 205, introduced by Bell; also H. B. No. 167, introduced by Word; also H. B. No. 253, introduced by Paul; also H. B. No. 241, introduced by Committee on Appropriations, and House Joint Resolution No. 8, introduced by Asbridge, having been read three several times and concurred in, are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 28th, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 189, introduced by Meyer, Senate Bill No. 194, introduced by Committee on Stock Growing and Grazing, Senate Bill No. 198, introduced by Burlingame, and Senate Joint Memorial No. 12, introduced by Kessler, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

READING OF SENATE BILLS.

S. B. No. 189, a Bill for an Act entitled, "An Act appropriating money to reimburse O. W. Hinote for improvements on land sold to him by the State, and to which the State failed to give him title," read first and second times at length, and referred to Committee on Appropriations.

S. B. No. 194, a Bill for an Act entitled, "An Act to provide for the construction of fences and cattle guards along the right of way of any railroad, and to provide for the amount of damages to be recovered from any railroad corporation for stock killed, and providing penalties for the violation thereof,' read first and second times by title only and referred to Committee on Railroads and Transportation.

S. B. No. 198, a Bill for an Act entitled, "An Act to enable the council of cities or towns to change the boundary lines of said cities or towns by the disannexation of territory," read first and second times by title only, and referred to Committee on Affairs of Cities.

READING OF SENATE JOINT MEMORIALS.

S. J. M. No. 12, relating to the granting of pensions to soldiers who served in the war with Mexico and the Civil War, read first and second times by title only and referred to the Committee on Military Affairs.

READING OF HOUSE JOINT RESOLUTIONS.

H. J. R. No. 11, relating to the construction of locks in any dam built in the Yellowstone River, read first and second times by title only, and referred to Committee on Federal Relations.

On motion of Berry the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Gillis in the chair.

House resumed.

Mr. Speaker in the chair.

Gillis from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom were referred Senate Amendments to House Bill No. 34, having had same under considera-

tion, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Senate Amendments to House Bill No. 220, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Senate Amendments to House Bill No. 12, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Senate Bill No. 20, a Bill for an Act entitled, "An Act to appropriate money for the measurement of streams and water-sheds and the compliance of data pertaining to the use and conservation of the waters of Montana," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 23, a Bill for an Act to provide for the construction of a Biological Station for the use of the Montana State University of Flathead County, Montana, and to appropriate money therefor, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 108, a Bill for an Act entitled, "An Act to amend Section 1092 of the Revised Codes of 1907, relating to the duties, powers and compensation of the Adjutant General of the State of Montana," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 125, a Bill for an Act entitled, "An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of Rocky Mountain Spotted Fever and appropriating money therefor," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 151, a Bill for an Act entitled, "An Act appropriating money to pay fees and expenses of a Special Prosecutor and a Special Accountant employed to investigate the affairs of the State Board of Stock Commissioners and to prosecute all actions arising out of such investigation," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 84, a Bill for an Act entitled "An Act authorizing the State Game and Fish Warden to appoint additional deputies at certain times; providing for their compensation, and authorizing the State Game and Fish Warden to employ an additional clerk, and fixing the salary thereof, and providing the manner in which the same shall be paid," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 55, a Bill for an Act entitled, "An Act changing and defining the boundaries of Beaverhead and Madison Counties," report same back to the House with the recommendation that it be concurred in.

Report of the Committee of the Whole adopted.

The following communication was received from the Steering Committee:

To the Chief Clerk of the House of Representatives:

Place on general orders House Bills Nos. 116, 139, 431, 429, 418, 416, 408, 343, 358, 415 and 417 and Senate Bill No. 163.

BARNES, Chairman.

No objection being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORT OF STANDING COMMITTEES.

Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 197, introduced by Committee on Elections and Privileges, being a Bill for an Act entitled, "An Act to provide an additional Judge for the Twelfth Judicial District of the State of Montana, so that there will hereafter be two judges in said District," beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 129, introduced by Stout, being a Bill for an Act entitled, "An Act providing for the appointment by County Commissioners of Land Examiners, and prescribing the duties and fixing the compensation of such person so appointed," beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We your Committee on Agriculture to whom was referred House Bill No. 443, introduced by Ebert, a Bill for an Act entitled, "An Act giving to lessors of farm lands, a lien upon the crops grown upon the leased premises for the rent of such premises," report the same back to the House recommended unfavorably.

Report adopted.

Also Johnson of Ravalli from the Committee on Agriculture reported as follows:

Mr. Speaker:

We your Committee on Agriculture to whom was referred House Bill No. 414, introduced by Alley, a Bill for an Act entitled, "An Act to provide for the establishment of State Inspection and weighing of grain, and regulating public warehouses and providing for the appointment of inspectors and weighmasters, their duties and responsibilities, and providing for the establishment of grades of grain and providing penalties for the violation of the provisions of this Act," report same back to the House recommended unfavorably.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 397, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and the Board of Examiners for coal mine Foremen and Mine Boss," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 187 by Kessler, a Bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1910," having had said Bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 440, by Committee on Appropriations, a Bill for an Act entitled, "An Act to appropriate money for the payment of the Claim of certain persons for expenses incurred by the State Board of Examiners for Coal Mine Inspector for the year ending February 28, 1911," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 446 by House and Senate Committee on Fairs and Expositions an Act appropriating money to defray the preliminary expenses of establishing and maintaining an exhibit of the products of the State of Montana at the Panama-Pacific International Exposition to be held in the City of San Francisco, California, in 1915, and providing for the appointment of a commission to prepare and manage said exhibit," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 190, by McCarthy, a Bill for an Act appropriating money to refund to Dave Anderson a deposit made in bidding for the construction of a building at the Montana Agricultural College at Bozeman, Montana," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be not concurred in.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 430, by Committee on Appropriations, "An Act appropriating money for the payment of deficiency claims for expense of State Treasurer," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 310, introduced by McNally, being a Bill for an Act entitled, "An Act to establish a State Hospital to be known as the 'Montana State Tuberculosis Sanitarium' in some suitable location in the State of Montana, for the treatment of Tuberculosis and Miners' Consumption, prescribing rules and regulations for the same, and making appropriation therefor," and

House Bill No. 274, introduced by Joint Committee appointed pursuant to Senate Joint Resolution No. 2. for the purpose of investigating and reporting with respect to the advisability of the state making provision for the care of its insane a Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of the constitutional limit and to provide for the issuance of bonds in the name of the State for the purchase of he property of Mitchell and Musigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the State's indigent insane, and others in need of hospital attention and treatment, all in accordance with the report of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2," and.

House Bill No. 352, introduced by Rodgers, a Bill for an Act entitled, "An Act to provide that State Officials shall receive only their actual traveling expenses, and to provide for the payment of the expenses of District Judges, incurred on account of holding court in counties other than the counties where they reside," and

House Bill No. 421, introduced by Committee on Appropriations, an Act appropriating money for the payment of deficiency claims for the maintenance of the National Guard and expense of adjutant Gen-

eral's office, authorized by the State Board of Examiners, as being correctly engrossed.

Also McQuitty from the Committee on Federal Relations reported as follows:

Mr. Speaker:

We your Commitee on Federal Relations to whom was referred House Joint Memorial No. 15, relating to the Resolution now pending before the National House of Representatives calling for a termination of the treaty entered into between the Unitd States of America and the Russian Government in the year 1832, report the same back to the House with the recommendation that said Joint Memorial do pass.

Report adopted.

THIRD READING OF HOUSE BILLS.

H. B. No. 400 having been read three several times was ready for roll call on final passage, whereupon by unanimous consent Eliel offered the following amendments:

Amend Section 1, by inserting after the word "dollars" in line 15, "for expense of enforcing Act creating office of State Sealer of Weights and Measures, Six Thousand Dollars."

Amend Section 2 by inserting after the word "dollars" in line 152 the following:

"For enforcing the provisions of Act creating the office of State Sealer of Weights and Measures, Six Thousand Dollars," which were adopted, and H. B. No. 400 was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Herbold, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Macdonald, McMurry, McQuitty, Martin, Moore of Silver Bow, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—60.

Noes—None.

Absent and not voting—Berry, Brady, Crouch, Hewett, Hickey, Johnson of Lewis and Clark, Lissner, McNally, Moore of Valley, Nolan, Ralston, Rodgers and Tuttle—13.

Title agreed to.

H. B. No. 401 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Donohue, Ebert, English, Gray, Grubb, Hayes, Herbold, Higgins, Holter, Jacobson, Jordan, Kirschwing, Law, Macdonald, McNally, Moore of Silver Bow, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan, Wheeler of Cascade, Woody and Mr. Speaker—46.

Noes—None.

Absent and not voting—Byrnes, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, Gillis, Hewett, Hickey, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McQuitty, Martin, Moore of Valley, Nolan, Paul, Ralston, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Williams and Word—27.

Title agreed to.

H. B. No. 376 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Binnard, Blackburn, Blake, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Jacobson, Jordan, Kirschwing, Law, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Murray, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan, Woody and Mr. Speaker—51.

Noes—None.

Absent and not voting—Bell, Bernard, Berry, Brady, Crouch, Eliel, Gray, Hewett, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Lissner, Moore of Valley, Nolan, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—22.

Title agreed to.

H. B. No. 301 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Berry, Blackburn, Blake, Brady, Burt, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Grubb, Herbold, Hickey, Higgins, Holter, Jordan, Kammerer, Kirschwing, Law, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Murray, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz Slayton, Stevens, Story, Woody and Mr. Speaker—46.

Noes—Jacobson, Paul, Swick, Tolman and Vaughan—5.

Absent and not voting—Bernard, Binnard, Byrnes, Crouch, Gillis, Gray, Hayes, Hewett, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Lissner, McMurry, Moore of Valley, Nelson, Nolan, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—22.

Title agreed to.

H. B. No. 310 having been read three several times was passed by the following votes:

Ayes—Alley, Baker, Bell, Berry, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Hickey, Higgins Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kammerer, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow Moore of Valley, Murray, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Woody and Mr. Speaker—55.

Noes—None.

Absent and not voting—Asbridge, Bernard, Crouch, Ebert, Hayes,

Herbold, Hewett, Johnson of Lewis and Clark, Kirschwing, McMurry, McQuitty, Nelson, Nolan, O'Hern, Stevens, Whaley, Wheeler of Silver Bow and Word—18.

Title agreed to.

H. B. No. 274 having been read three several times was ready for roll call on its final passage, whereupon on motion of Woody and fifteen members seconding same, a call of the House was ordered and the clerk called the roll.

On motion of Woody further proceedings under the call of the House were dispensed with, whereupon H. B. No. 274 was passed by the following vote:

Ayes—Alley, Baker, Berry, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Hayes, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Kammerer, Kirschwing, Lissner, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Sarter, Schwartz, Slayton Stevens, Story, Swick, Vaughan, Wheeler of Cascade, Williams and Mr. Speaker—48.

Noes—Asbridge, Bell, Bernard, Binnard, Donohue, Grubb, Herbold, Higgins, Jordan, Law, Macdonald, McQuitty, Nelson, O'Hern, Reser, Tolman, Tuttle, Wheeler of Silver Bow and Woody—19.

Absent and not voting—Crouch, Hewett, Johnson of Lewis and Clark, McMurry, Whaley and Word—6.

Title agreed to.

H. B. No. 352 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Mr. Speaker—61.

Noes—Law—1.

Absent and not voting—Baker, Berry, Crouch, Ebert, Hayes, Hewett, Holter, Johnson of Lewis and Clark, Jordan, Whaley and Word—11.

Title agreed to.

On motion of Law the House took a recess at 4:45 o'clock P. M. until 8:00 o'clock P. M.

EVENING SESSION.

House reassembled at 8:00 o'clock P. M.

Mr. Speaker in the chair.

Roll Called. Quorum present.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill

No. 148, introduced by Donohue, a Bill for an Act to repeal Section 4073 Revised Codes 1907, relating to taxation of insurance companies on excess premiums over losses and ordinary expenses incurred within the State, beg leave to report that same is returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 221, introduced by Byrnes, a Bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars," beg leave to report the same is herewith returned properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 241, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector," beg leave to report the same is returned herewith properly enrolled.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Joint Resolution No. 8, introduced by Asbridge, extending the life of Joint Committee appointed to investigate the affairs of the Board of Live Stock Commissioners and defining its duties and authority, as being correctly engrossed.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 242, introduced by Macdonald; House Bill No. 112, introduced by Jordan, having been read three several times and concurred in as amended, are herewith transmitted for concurrence in Senate Amendments.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 19, by Moore of Silver Bow, being a Bill for an Act entitled, "An Act to provide for the payment of employees semi-monthly, and to prevent the assignment of wages by an employee to defeat the purposes of this Act, and providing a penalty for the violation hereof," on General File February 28th, Committee recommends

that House Bill No. 19 be not concurred in, report adopted and bill is herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 203, by Grubb, entitled, "An Act to amend Section 2891 of the Revised Codes of Montana, relating to the regular meeting of the Board of County Commissioners," on General File February 27th, Committee recommend that H. B. No. 203, be not concurred in, report adopted and bill is herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was this day introduced without having given previous notice:

By Edwards: A Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana of 1907, as amended by Senate Bill No. 96, of the Twelfth Legislative Assembly of the State of Montana, relating to the classification of insurance corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith."

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Bill was this day introduced, read first and second time and referred:

Senate Bill No. 201, by Edwards: A Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana of 1907, as amended by Senate Bill No. 96, of the Twelfth Legislative Assembly of the State of Montana, relating to the classification of insurance corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith." Referred to Committee on Corporations other than Municipal. Committee recommends Bill do pass, report adopted and referred to Printing Committee.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 234, by Paul, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 324, by Committee on Appropriations, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 370, by Blackburn, was this day introduced, read first and second time and referred to Committee on Finance and Claims.

Also, House Bill No. 289, by Bernard, was this day introduced, read first and second time and referred to Committee on Finance and Claims.

Also, House Bill No. 269, by Grubb, was this day introduced, read first and second time and referred to Committee on Finance and Claims.

Also, House Bill No. 31, By Nolan, was this day introduced, read first and second time and referred to Committee on Finance and Claims.

Also, House Bill No. 199, by Committee on Live Stock and Public Ranges, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 288, by Reser, was this day introduced, read first and second time and referred to Committee on Finance and Claims.

Also, House Bill No. 240, by Commitee on Appropriations, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 426, by Commitee on Appropriations, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 111, by Duffy of Granite, was this day introduced, read first and second times and referred to Committee on Elections and Privileges.

Also, Substitute House Bill No. 103, by Committee on Fish and Game, was this day introduced, read first and second time and referred to Committee on Fish and Game.

Also, House Bill No. 271, by Nolan, was this day introduced, read first and second times and referred to Committee on Education.

Also, House Bill No. 290, by Wheeler of Silver Bow, was this day introduced, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Also, House Bill No. 390, by Blackburn, was this day introduced, read first and second time and referred to Committee on Finance and Claims.

And House Bill No. 420, by Eliel, was this day introduced, read

first and second time and referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Wheeler of Silver Bow moved as follows:

Mr. Speaker:

I move you that Senate Bill No. 132 be recalled from the Senate for further consideration.

Motion prevailed.

Wheeler of Silver Bow gave the following notice:

Mr. Speaker:

I hereby give notice that I will on tomorrow, move for a reconsideration of the vote on the report of the Judiciary Cmmittee on Senate Bill No. 132.

Blackburn was given unanimous consent to introduce an appropriation bill without previous notice having been given.

INTRODUCTION OF BILLS.

The following bill was introduced and placed on file:

H. B. No. 455, by Blackburn, by unanimous consent, without previous notice: A Bill for an Act entitled, "An Act appropriating money for the payment of claims of N. J. Traufler on account of transportation of prisoners."

READING OF HOUSE BILLS.

The following bill was taken from the file:

H. B. No. 455, read first and second times at length and referred to Committee on Appropriations.

THIRD READING OF HOUSE BILLS.

H. B. No. 421 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Berry, Blackburn, Blake, Brady, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Ralston, Reel, Roberts, Rodgers, Sarter, Schwartz, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—46.

Noes—None.

Absent and not voting—Asbridge, Bernard, Binnard, Burt, Dobell, Hayes, Herbold, Hewett, Holt, Johnson of Lewis and Clark, Lissner, Macdonald, McMurry, McNally, Martin, O'Hern, Owenhouse, Paul, Reser, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Cascade and Woody—27.

Title agreed to.

S. B. No. 145 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Berry, Blackburn, Blake, Brady, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert,

Eliel, English, Gillis, Gray, Hickey, Holter, Jacobson, Jordan, Kammerer, Kirschwing, Lissner, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker —49.

Noes—Binnard, Herbold, Higgins, Law, Macdonald, McQuitty, O'Hern, Tuttle, Whaley, Wheeler of Silver Bow and Woody—11.

Absent and not voting—Asbridge, Bell, Bernard, Burt, Grubb, Hayes, Hewett, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Reser, Stevens, Tolman—13.

Title agreed to.

S. B. No. 20 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Berry, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gray, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Ralston, Reel, Roberts, Sarter, Schwartz, Swick, Vaughan, Whaley, Williams, Woody, Word and Mr. Speaker—45.

Noes—None.

Absent and not voting—Asbridge, Bell, Bernard, Burt, Dobell, Eliel, English, Gillis, Grubb, Hayes, Herbold, Hewett, Holt, Johnson of Lewis and Clark, Kammerer, McNally, Martin, O'Hern, Paul, Reser, Rodgers, Slayton, Stevens, Story, Tolman, Tuttle, Wheeler of Silver Bow and Wheeler of Cascade—28.

Title agreed to.

S. B. No. 23 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gray, Grubb, Herbold, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Kirschwing, Law, Macdonald, McQuitty, Moore of Silver Bow, Murray, Nolan, O'Flynn, Owenhouse, Ralston, Reel, Roberts, Schwartz, Swick, Whaley, Word and Mr. Speaker—39.

Noes—Jordan, Sarter and Williams—3.

Absent and not voting—Asbridge, Bernard, Burt, Dobell, Eliel, English, Gillis, Hayes, Hewett, Holt, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McNally, Martin, Moore of Valley, Nelson, O'Hern, Paul, Reser, Rodgers, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade and Woody—31.

Title agreed to.

S. B. No. 108 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Berry, Binnard, Blackburn, Blake, Brady, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Grubb, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Moore of Silver

Bow, Murray, Nolan, O'Flynn, Owenhouse, Ralston, Reel, Roberts, Sarter, Swick, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—43.

Noes—None.

Absent and not voting—Asbridge, Bernard, Burt, Crouch, Dobell, Eliel, English, Gillis, Gray, Hayes, Herbold, Hewett, Holt, Johnson of Lewis and Clark, Kammerer, McNally, Martin, Moore of Valley, Nelson, O'Hern, Paul, Reser, Rodgers, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle and Wheeler of Cascade—30.

Title agreed to.

S. B. No. 125 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Berry, Binnard, Brady, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Grubb, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Law, Lissner, McMurry, McQuitty, Moore of Silver Bow, Murray, O'Flynn, Ralston, Reel, Roberts, Sarter, Vaughan, Whaley, Williams and Mr. Speaker—32.

Noes—None.

Absent and not voting—Asbridge, Bernard, Blackburn, Blake, Burt, Byrnes, Crouch, Dobell, Eliel, English, Gillis, Gray, Hayes, Herbold, Hewett, Holt, Johnson of Lewis and Clark, Kammerer, Kirschwing, Macdonald, McNally, Martin, Moore of Valley, Nelson, Nolan, O'Hren, Owenhouse, Paul, Reser, Rodgers, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Wheeler of Cascade, Woody and Word—41.

Title agreed to.

S. B. No. 151 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bell, Binnard, Blackburn, Blake, Brady, Byrnes, Donohue, Duffy of Granite, Ebert, English, Gray, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Murray, O'Flynn, Owenhouse, Ralston, Reel, Roberts, Sarter, Schwartz, Swick, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Woody, Word and Mr. Speaker—41.

Noes—None.

Absent and not voting—Asbridge, Bernard, Berry, Burt, Crouch, Dobell, Duffy of Silver Bow, Eliel, Gillis, Grubb, Hayes, Herbold, Hewett, Holt, Johnson of Lewis and Clark, Kammerer, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Hern, Paul, Reser, Rodgers, Slayton, Stevens, Story, Tolman, Tuttle and Wheeler of Cascade—32.

Title agreed to.

S. B. No. 84 having been read three several times was concurred in by the following vote:

Ayes—Alley, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Donohue, Duffy of Granite, Ebert, English, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Law, Lissner, Macdonald, McMurry, McQuitty, Murray, Nolan, O'Flynn, Owenhouse, Ralston, Reel, Roberts, Sarter, Schwartz, Swick, Vaughan, Whaley,

Williams, Woody, Word and Mr. Speaker—42.

Noes—None.

Absent and not voting—Asbridge, Bell, Burt, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Eliel, Gillis, Hayes, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Hern, Paul, Reser, Rodgers, Slayton, Stevens, Story, Tolman, Tuttle, Wheeler of Silver Bow and Wheeler of Cascade—31.

Title agreed to.

S. B. No. 55 having been read three several times was concurred in by the following vote:

Ayes— Baker, Bell, Bernard, Binnard, Blake, Byrnes, Crouch, Donohue, Eliel, English, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Kirschwing, Law, Macdonald, McMurry, Moore of Valley, Murray, Nolan, Owenhouse, Ralston, Roberts, Sarter, Schwartz, Swick, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody and Word—37.

Noes—Alley, Blackburn, Duffy of Granite, Duffy of Silver Bow, Ebert, Jordan, Kammerer, O'Flynn, Reel and Mr. Speaker—10.

Absent and not voting—Asbridge, Berry, Brady, Burt, Dobell, Gillis, Hayes, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Lissner, McNally, McQuitty, Martin, Moore of Silver Bow, Nelson, O'Hern, Paul, Reser, Rodgers, Slayton, Stevens, Story, Tolman, Tuttle and Wheeler of Silver Bow—26.

Title agreed to.

Senate Amendments to H. B. No. 12 were concurred by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Binnard, Blackburn, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Gray, Grubb, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kirschwing Law, Lissner, Macdonald, McMurry, Moore of Silver Bow, Murray, Nolan, O'Flynn, Owenhouse, Reel, Roberts, Schwartz, Slayton, Stevens, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—38.

Noes—Ebert, McQuitty, Moore of Valley, Sarter and Whaley—5.

Absent and not voting—Asbridge, Berry, Blake, Brady, Burt, Byrnes, Dobell, Eliel, English, Gillis, Hayes, Herbold, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, McNally, Martin, Nelson, O'Hern, Paul, Ralston, Reser, Rodgers, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow and Woody—30.

Senate Amendments to H. B. No. 220 were concurred in by the following vote:

Ayes—Alley, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Donohue, Duffy of Granite, Ebert, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Macdonald, McQuitty, Moore of Valley, Murray, Nolan, Owenhouse, Ralston, Reel, Sarter, Schwartz, Stevens, Swick, Woody, Word and Mr. Speaker—36.

Noes—Baker, Duffy of Silver Bow, Kirschwing, Moore of Silver Bow, O'Flynn, Vaughan, Wheeler of Cascade and Williams—8.

Absent and not voting—Asbridge, Berry, Burt, Dobell, Eliel, English, Gillis, Hayes, Hewett, Johnson of Lewis and Clark, Jordan, Kammerer, Law, Lissner McMurry, McNally, Martin, Nelson, O'Hern, Paul, Reser, Roberts, Rodgers, Slayton, Story, Tolman, Tuttle, Whaley and Wheeler of Silver Bow—29.

Senate Amendments to H. B. No. 34 were concurred in by the following vote:

Ayes—Alley, Baker, Bell, Binnard, Blackburn, Blake, Brady, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gray, Grubb, Herbold, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Kirschwing, Law, Macdonald, McQuitty, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Ralston, Reel, Sarter, Schwartz, Slayton, Stevens, Swick, Tolman, Vaughan, Whaley, Williams, Woody, Word and Mr. Speaker—45.

Noes—None.

Absent and not voting—Asbridge, Bernard, Berry, Burt, Crouch, Dobell, Eliel, English, Gillis, Hayes, Hewett, Hickey, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, McMurry, McNally, Martin, Moore of Valley, Paul, Reser, Roberts, Rodgers, Story, Tuttle, Wheeler of Silver Bow and Wheeler of Cascade—28.

Jacobson moved to adjourn. Motion lost.

REPORTS OF STANDING COMMITTES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 12, introduced by Law, a Bill for an Act entitled, "An Act to provide for the designation of temporary County Seats and for the location of permanent county seats in new counties or in counties in which the permanent county seat has not been located," and

House Bill No. 220, introduced by Donohue, a Bill for an Act entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain County and State Officers in connection therewith, prescribing penalties, and repealing Sections 1045 and 1110, inclusive, of the Revised Codes of Montana of 1907," and

House Bill No. 34, introduced by Donohue, a Bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health with relation to food and drugs, their inspection, purity and misbranding; constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to secure a license, without cost, from the State Board of Health, providing for a Chemist to

the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of the provisions of this Act, and repealing Acts and parts of Acts in conflict herewith," as correctly engrossed.

Chief Clerk:

Place at the head of General Orders House Bill No. 66 for concurrence in Senate Amendments and Senate Joint Memorial No. 7 immediately following House Bill No. 139.

BYRNES, Chairman.

The following communication was received from the Steering Committee:

Chief Clerk:

Place on General Orders Senate Bills 10, 28, 33, 128, 56, 98, 137, 172, 174, 68 and concurrence in Senate Amendments to Senate Bill No. 45.

BYRNES, Chairman.

On motion of Alley the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

O'Flynn in the chair.

House resumed.

Mr. Speaker in the chair.

O'Flynn from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Amendment to House Bill No. 66, a Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana, relating to investment of capital of insurance companies, having had same under consideration beg leave to report same back to the House with the recommendation that the amendments be concurred in.

Also having had under consideration H. B. No. 116, a Bill for an Act entitled, "An Act to establish a State Laboratory at the Montana Agricultural Experiment Station; and to define the aim and scope of the work to be performed, and providing for the adminstration, and to make appropriation for the establishment and mainteance thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. for H. B. No. 139, a Bill for an Act entitled, "An Act to provide for districting of the State of Montana, the appointment of four additional Deputy State Veterinary Surgeons, defining their qualifications, duties and compensation, providing for the testing of bovine animals, their quarantine, destruction and disposition under the general supervision of the Livestock Sanitary Board," report same back to the House with the recommendation that it do pass.

Also having had under consideration S. J. M. No. 7, regarding the construction of two steel bridges across the Kootenai River, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration H. B. No. 431, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the State Prison during the year ending March 1, 1911," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 429, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expenses of the Director of the State Fish Hatchery," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 418, a Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims and salary of the members of the Supreme Court, the District Judges of the State, and the County Attorneys of the State, for the quarter ending February 28, 1911," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 416, a Bill for an Act entitled, "An Act to appropriate the sum of One thousand ($1,000.00) Dollars or so much thereof as may be necessary to pay the per diem and mileage of the members of the Joint Committee to investigate the affairs of the State Board of Stock Commissioners and to pay the mileage and per diem of witnesses required to testify before said committee and providing for the payment thereof and for other purposes," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 408, a Bill for an Act entitled, "An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigating Committee and authorizing the payment of the same," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 343, a Bill for an Act entitled, "An Act to appropriate money to pay the expenses of the members of the Twelfth Legislative Assembly and committees thereof, in investigating the condition and value of the property of Mitchell & Musigbrod used in the care of the insane of the State of Montana," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 358, a Bill for an Act entitled, "An Act providing for the establishment of a State Board of Poultry Husbandry, prescribing the duties of such Board and appropriating money therefor," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 415, a Bill for an Act entitled, "An Act to provide for the services of a Clerk to the Adjutant General of the State of Montana and fixing the compensation

of said Clerk," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 417, a Bill for an Act entitled, "An Act to amend Section 1665 of the Revised Codes of Montana, of 1907, relating to the appointment and compensation of a Clerk to the Secretary of the State Bureau of Child and Animal Protection," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration S. B. No. 163, a Bill for an Act entitled, "An Act to amend Section 1712, Revised Codes of the State of Montana, 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, 'An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salaries of the Inspector and Deputy Inspector of Mines,' and to provide for the salary of such Deputy Inspector of Mines," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 10, a Bill for an Act to provide for and regulate the manner and method of taxing Mortgages, report same back to the House with the recommendation that it be concurred in.

Report of the Committee of the Whole adopted.

On motion of O'Hern, the House adjourned at 10:45 o'clock P. M. to meet tomorrow morning at 10:00 o'clock A. M.

W. W. McDOWELL, Speaker.

Atest:

FINLAY McRAE. Chief Clerk.

Fifty-Ninth Day.

Wednesday, March 1. 1911.

House met pursuant to adjournment at 10:00 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present.

On motion of Jordan the Journal of the Fifty-eighth Day as read was approved.

Mr. Speaker at this time announced that he was about to sign S. B. No. 66, a Bill for an Act entitled, "An Act to regulate the operation of all coal mines in the State of Montana, to provide for their inspection and the qualification of inspectors and certain other employees of coal mines and to codify all laws with references to the operation of all coal mines in the State of Montana, repealing Sections 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709 and 1710, 2023 of the Revised Codes of the

State of Montana and Chapters 64 and 65 of the Laws of 1909" and signed same in the presence of the House.

COMMUNICATIONS AND PETITIONS.

A communication from the Silver Bow County Sunday School Association urging the passage of H. B. No. 93, relating to Juvenile Court, was received and read and referred to the Steering Committee.

REPORTS OF STANDING COMMITTEES.

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 455, by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of claim of H. J. Traufler on account of transportation of prisoners," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

Report adopted.

Also Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 189 by Meyer, a Bill for an Act entitled, "An Act appropriating money to reimburse O. W. Hinote for improvements on land sold to him by the State, and to which the State failed to give him title," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

We, your Committee on New Counties and Divisions to whom was referred House Bill No. 237, introduced by Jacobson, a Bill for an Act entitled, "An Act to create the County of Conrad, designate its boundaries and provide for its organization and government, and to change the boundaries of Teton County to conform thereto," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

We, your Committee on New Counties and Divisions to whom was referred House Bill No. 256, introduced by McQuitty, a Bill for an Act entitled, "An Act to create the County of Merino, designate its boundaries and provide for its organization and government and to change the boundaries of Meagher, Yellowstone, Sweetgrass and Fergus Counties to conform thereto," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

We, your Committee on New Counties and Divisions to whom was referred House Bill No. 236, introduced by Jacobson, a Bill for an Act entitled, "An Act to create the County of St. Mary's, designate its boundaries, and provide for its organization and government, and to change the boundaries of Teton County to conform thereto," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

We, your Committee on New Counties and Divisions to whom was referred House Bill No. 303, introduced by Crouch (by request), a Bill for an Act entitled, "An Act to create the County of Shaw, designate its boundaries and provide for its organization and government and to change the boundaries of Valley County to conform thereto," report the same back to the House with the recommendation that it do not pass.

Report adoptel.

Also Hayes from the Committee on New Counties and Divisions reported as follows:

Mr. Speaker:

We, your Committee on New Counties and Divisions to whom was referred House Bill No. 322, introduced by Paul, a Bill for an Act entitled, "An Act to provide for the method of changing the name of counties within the State of Montana," report the same back to the House with the recommendation that it do not pass.

Report adopted.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred Substitute House Bill No. 339, substitute for House Bills Nos. 79 and 65, introduced by Judiciary Committee, a bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana of 1907, relating to licenses," also

House Bill No. 167 ineroduced by Word, a Bill for an Act entitled, "An Act authorizing the Montana Children's Home Society to take from the Orphans' Home at Twin Bridges dependent children and place them in carefully selected homes for adoption and to provide compensation for the placing and caring for them," beg leave to report that same are returned herewith properly enrolled.

MOTIONS AND RESOLUTIONS.

The following was received from the special committee appointed to draft suitable Resolutions on the death of the wife of Representative Tom A. Johnson:

RESOLUTIONS OF CONDOLENCE.

Mrs. Louisa Johnson, wife of Representative Thomas A. Johnson, of Lewis and Clark County, died at her home in Helena on February 27, 1911, leaving surviving her her husband and one daughter.

Mrs. Johnson was united in Marriage to Thomas A. Johnson in 1870, in the State of Missouri, removing to Montana in 1873, where the family has since continuously made their home.

For over forty years, through all the vicissitudes attendant upon the lives of heroic pioneers of those early days, Mrs. Johnson was indeed the helpmate and comforter of our bereaved colleague.

Toiling, rejoicing, sorrowing, she lightened, as only a devoted wife and mother may, the burdens which too often rested heavily upon the shoulders of her loved ones, and her steps never faltered, even to the twilight of her life. She was a faithful christian woman. Of her it may truly be said that her very face was a benediction, and her life an inspiration.

RESOLVED, that we extend to our colleague, thus cruelly bereft of his life-long companion, our tenderest sympathy; and

RESOLVED FURTHER, that this resolution be spread upon the records of this House, as a permanent memorial to the life and character of the deceased, and that a copy hereof be delivered to the family of the deceased.

ALLEY,
NOLAN,
BLAKE,
Committee.

Resolution unanimously adopted.

Reser moved that H. B. No. 306 be placed on General Orders at this time. Motion prevailed.

Alley offered the following motion.

Mr. Speaker:

I move you that the Committee on Rules be requested to consider a special rule governig the consideration of all bills and memorials in Committee of the Whole and on third reading, placed on the calendar for this date, excepting only such bills as are required by the Constitution to be read in full.

Motion adopted.

Wheeler of Silver Bow offered the following motion:

Mr. Speaker:

I move you that the vote on the report of the Judiciary Committee on Senate Bill No. 132 be reconsidered and that said bill be rereferrd to the Judiciary Committee.

Motion adopted.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

the President announced that he was about to sign Senate Bill No. 66, and same was signed in open Session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, February 28, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 168, introduced by Donlan, having been read three several times and passed, is herewith transmitted for your concurrence.

Also House Bill No. 190, introduced by Wheeler of Silver Bow, having been read three several times and passed as amended, is herewith transmitted for your concurrence in Senate amendments.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that as per request of the House, the Senate herewith returns Senate Bill No. 132, by Leighton, for further consideration by your Body.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

READING OF SENATE BILLS.

S. B. No. 168, a Bill for an Act entitled, "An Act to amend Chapter V of Part III of Title VII of the Revised Codes of 1907, relating to the industry of horticulture; amending Sections 1918, 1922, 1923, 1924, 1925, 1931, 1934, 1939, 1942, 1944 and 1947; re-enacting Sections 1917, 1919, 1921, 1926, 1927, 1928, 1929, 1930, 1932, 1935, 1936, 1937, 1938, 1940, 1941, 1943 and 1946 thereof; adding a new Section numbered 1923 A; repealing Sections 1920 and 1933 thereof and renumbering the Sections in said chapter," read first and second times by title only, and referred to Committee on Horticulture.

At this time Mr. Speaker announced that he was about to sign H. B. No. 167, a Bill for an Act entitled, "An Act authorizing the Montana Children's Home Society to take from the Orphans' Home at Twin Bridges dependent children and place them in carefully selected homes for adoption and to provide compensation for the placing and caring for them," and signed same in the presence of the House.

Also H. B. No. 221, a Bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars," and signed same in the presence of the House.

Also H. B. No. 148, a Bill for an Act entitled, "An Act to repeal Section 4073 of the Revised Codes of 1907, relating to the taxation of insurance companies on excess premiums over losses and ordinary expenses incurred within the State," and signed same in the presence

of the House.

Also Sub. H. B. No. 339, a Bill for an Act entitled, "An Act to amend Section 2773 of the Revised Codes of the State of Montana of 1907 relating to licenses," and signed same in the presence of the House.

Also H. B. No. 241, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expenses of the State Boiler Inspector," and signed same in the presence of the House.

THIRD READING OF SENATE BILLS.

S. B. No. 163 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Bernard, Binnard, Brady, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Herbold, Hickey Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Martin, Murray, Nelson, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Tolman, Tuttle, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—48.

Noes—None.

Absent and not voting—Asbrige, Baker, Berry, Blackburn, Blake, Burt, Duffy of Silver Bow, English, Hewett, Higgins, Johnson of Lewis and Clark, Kammerer, McQuitty, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, O'Hern, Paul, Rodgers, Story, Swick, Whaley, Wheeler of Silver Bow and Woody—25.

Title agreed to.

Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Joint Resolution No. 8, introduced by Asbridge, being entitled, "Extending the life of Joint Committee appointed to investigate the affairs of the Board of Live Stock Commissioners and defining its duties and authority," beg leave to report that the same is returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 220, introduced by Donohue, a Bill for an Act entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain County and State Officers in connection therewith, prescribing penalties and repealing Sections 1045 to 1110 inclusive, of the Revised Codes of Montana of 1907," beg leave to report that the same is returned herewith properly enrolled.

At this time Mr. Speaker announced that he was about to sign H. J. R. No. 8, extending the life of Joint Committee appointed to investigate the affairs of the Board of Live Stock Commissioners and defining its duties and authority, and signed same in the presence of the House.

Also H. B. No. 220, a Bill for an Act entitled, "An Act relating

to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain County and State Officers in connection therewith, prescribing penalties and repaling Sections 1045 to 1110 inclusive, of the Revised Codes of Montana of 1907," and signed same in the presence of the House.

S. B. No. 10 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blackburn, Donohue, Eliel, English, Gray, Grubb, Herbold, Holt, Holter, Jacobson, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—45.

Noes—Crouch, Johnson of Ravalli, Reel and Whaley—4.

Absent and not voting—Baker, Berry, Binnard, Blake, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Hewett, Hickey, Higgins, Johnson of Lewis and Clark, Kammerer, McNally, Owenhouse, Paul, Story, Swick and Williams—24.

Title agreed to.

Bernard was granted unanimous consent to introduce an amendment to S. J. M. No. 7, which amendment carried.

S. J. M. No. 7 having been read three several times was concurred in as amended, by the following vote:

Ayes—Alley, Asbridge, Bernard, Blackburn, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gray, Grubb, Herbold, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, Martin, Moore of Silver Bow, Moore of Valley, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Stevens, Tolman, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Word and Mr. Speaker—42.

Noes—None.

Absent and not voting—Baker, Bell, Berry, Binnard, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Gillis, Hayes, Hewett, Jacobson, Johnson of Lewis and Clark, McMurry, McNally, McQuitty, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Rodgers, Slayton, Story, Swick, Tuttle, Williams and Woody—31.

Title agreed to.

H. B. No. 431 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Bernard, Berry, Blackburn, Crouch, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Tolman, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—49.

Noes—None.

Absent and not voting—Alley, Baker, Binnard, Blake, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Granite, Herbold, Hewett, Jacobson, Johnson of Lewis and Clark, Martin, O'Flynn, O'Hern, Paul, Rodgers, Story, Swick, Tuttle, Vaughan and Woody—24.

Title agreed to.

No objection being offered, the following report from the Committee on Rules was received:

Mr. Speaker:

We your Committee on Rules, to whom was referred the following motion: "I move you that the Committee on Rules be requested to consider a special rule governing the consideration of all bills and memorials in committee of the whole and on third reading placed on the calendar for this date, excepting only such bills as are required by the Constitution to be read in full, be considered read, both in Committee of the Whole and on Third reading," having had the same under consideration, recommend that the rules be suspended and that these bills be considered read, both in general orders and on third reading, for this date.

Report adopted.

Sub. H. B. No. 116 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Bernard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, English, Gillis, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Macdonald, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Tolman, Tuttle, Whaley, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—50.

Noes—None.

Absent and not voting—Alley, Baker, Berry, Binnard, Byrnes, Donohue, Duffy of Silver Bow, Herbold, Hewett, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McNally, McQuitty, Martin, O'Hern, Paul, Rodgers, Stevens, Swick, Vaughan and Wheeler of Silver Bow—23.

Title agreed to.

Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 253, introduced by Paul, by unaimous consent, a Bill for an Act entitled, "An Act to amend Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana entitled Trust Deposit and Security Corporations by adding thereto a Section which shall be designated as Section 3942 A of the Revised Codes of Montana of 1907, relating to the status, powers and term of existence of any corporation which has availed itself or attempted to avail itself of the benefits of the Amendatory Act referred to in Section 3942 of the Revised Cods of Montana of 1907," beg leave to report that the same is returned herewith properly enrolled.

Also Baker from the Committee on Printing reported as follows: Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 448 beg leave to report same as correctly printed.

At this time Mr. Speaker announced that he was about to sign H. B. No. 253, a Bill for an Act entitled, "An Act to amend Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana, entitled Trust Deposit and Security Corporations by adding thereto a Section which shall be designated as Section 3942-A, of the Revised Codes of Montana of 1907, relating to the status, powers and term of existence of any corporation which has availed itself or attempted to avail itself of the benefits of the Amendatory Act referred to in Section 3942 of the Revised Codes of Montana of 1907," and signed same in the presence of the House.

H. B. No. 429, having been read three several times, was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blackburn, Blake, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Grubb, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody, Word, and Mr. Speaker—60.

Noes—None.

Absent and not voting—Berry, Brady, Burt, Gray, Hewett, Johnson, of Ravalli, Johnson of Lewis and Clark, Kammerer, McNally, McQuitty, Nelson, O'Hern and Wheeler of Silver Bow—13.

Title agreed to.

Senate Amendments to H. B. No. 66, having been read three several times, were this day concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blake, Burt, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Hern, Owenhouse, Paul, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—59.

Noes—None.

Absent and not voting—Berry, Binnard, Blackburn, Brady, Byrnes, Crouch, Dobell, Grubb, Hewett, Johnson of Lewis and Clark, Kammerer, Nelson, O'Flynn, Swick—14.

Title agreed to.

Woody, Chairman pro tem from the Committee on Enrollment, reported as follows:

Mr. Speaker:

I have, this first day of March, 1911, at 11:30 A. M., submitted to the Governor for his consideration, House Bill No. 253, introduced by Paul, by unanimous consent, a Bill for an Act entitled, "An Act to amend Chapter II, Title II, Part IV, Division I, of the Civil Code of Montana, entitled Trust Deposit and Security Corporations, by adding thereto a Section which shall be designated as Section 3942-A, of the Revised Codes of Montana of 1907, relating to the status, powers and term of existence of any corporation which has availed itself or attempted to avail itself of the benefits of the amendatory Act referred to in Section 3942 of the Revised Codes of Montana of 1907."

On motion of Murray the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Murray in the chair.

House resumed.

Mr. Speaker in the chair.

Murray, from the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred Senate Bill No. 28, a Bill for an Act entitled, "An Act to prohibit and regulate the issuance of reduced or free transportation by common carriers, and providing penalties for violation thereof," having had same under consideration, report same back to the House with the recommendation that it be concurred in as amended.

Also, S. B. No. 33, a Bill for an Act entitled, "An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors, and regulating the issuance of such licenses, and providing for a revocation of license upon conviction of a penal offense," report same back to the House with the recommendation that it report progress and beg leave to sit again.

Murray moved the adoption of the report of the Committee of the Whole.

Law moved, as a substitute motion, that the report be adopted except as to Senate Bill No. 28, and that Senate Bill No. 28 be segregated and recommended for non-concurrence as amended.

Action on the report of the Committee of the Whole was laid over until the afternoon session.

The hour of 11:45 A. M., having arrived, the Chief Clerk called the roll and found all members present except Berry, who was paired with Nelson.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon, in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All the members of the Senate were found present.

All the members of the House were found present except Berry,

who was paired with Nelson.

McCarthy offered the following resolution:

Resolved, that no adjournment sine die of the Joint Assembly shall take place until after a motion therefor shall have been made and carried upon a yea and nay vote duly taken, recorded and announced.

On motion of McCarthy the resolution was adopted.

The President finding a quorum of both bodies present announced that pursuant to Section XV, Title II, Chapter I of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by viva voce vote his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of th Senate with the following result:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, Mccarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the foollwing result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—23.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—29.

For W. T. Pigott—Byrnes—1.

For F. C. Webster—Higgins—1.

For Frank Woody—Owenhouse and Word—2.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	44
For W. G. Conrad	27
For Frank Woody	2
For T. M. Swindlehurst	1
For W. R. Allen	1
For F. C. Webster	1
For W. F. Meyer	1
For C. B. Nolan	1
For W. T. Pigott	1
Total	99
Paired:	
Berry-Nelson	2
Grand total	101

The President announced no election and thereupon directed the Secretary to call the roll of the Senate for a second ballot for the election of a United States Senator, as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. H. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—24.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—29.

For W. T. Pigott—Byrnes—1.

For F. C. Webster—Higgins—1.

For Frank Woody—Owenhouse—1.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	44
For W. G. Conrad	28
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. T. Pigott	1
For F. C. Webster	1
For Frank Woody	1
For W. F. Meyer	1
For C. B. Nolan	1
Total	99
Paired:	
Berry-Nelson	2
Grand total	101

The President announced no election and thereupon directed the Secretary to call the roll of the Senate for a third ballot for the election of a United States Senator, as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Goff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—24.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—29.

For W. T. Pigott—Byrnes—1.

For F. C. Webster—Higgins—1.

For Frank Woody—Owenhouse—1.
For W. F. Meyer—Tolman—1.
For C. B. Nolan—Tuttle—1.
Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	44
For W. G. Conrad	28
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. T. Pigott	1
For F. C. Webster	1
For C. B. Nolan	1
For W. F. Meyer	1
For Frank Woody	1
Total	99
Paired:	
Berry-Nelson	2
Grand total	101

The President announced no election.

Senator McCarthy moved that the Joint Assembly do now dissolve and that the Senate retire from the hall of the House.

Motion lost.

The President thereupon directed the Secretary to call the roll of the Senate for a fourth ballot for the election of a United States Senator, as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy, and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk to call the roll of the House with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Wheeler of Cascade, Word and Mr.

Speaker—24.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—29.

For W. T. Pigott—Byrnes—1.

For F. C. Webster—Higgins—1.

For Frank Woody—Owenhouse—1.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	44
For W. G. Conrad	28
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. T. Pigott	1
For F. C. Webster	1
For W. F. Meyer	1
For Frank Woody	1
For C. B. Nolan	1
Total	99
Paired:	
Berry-Nelson	2
Grand total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a fifth ballot for the election of a United States Senator, as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk to call the roll of the House with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow, and Woody—13.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Duffy

of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—22.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—29.

For W. T. Pigott—Byrnes—1.

For T. M. Swindlehurst—Dobell—1.

For F. C. Webster—Higgins—1.

For J. E. Erickson—Law—1.

For S. V. Stewart—Owenhouse—1.

For W. F. Meyer—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—71.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	44
For W. G. Conrad	26
For T. M. Swindlehurst	2
For W. R. Allen	1
For J. E. Erickson	1
For W. T. Pigott	1
For F. C. Webster	1
For W. F. Meyer	1
For C. B. Nolan	1
For S. V. Stewart	1
Total	99
Paired:	
Berry-Nelson	2
Grand total	101

The President thereupon announced no election and on motion of Senator McCarthy the Joint Assembly was duly dissolved and the Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Macdonald the House took a recess at 1:15 o'clock P. M., until 2:30 o'clock P. M.

AFTERNOON SESSION.

House reassembled at 2:30 o'clock P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

REPORTS OF STANDING COMMITTEES.

Baker, from the Committee on Printing, reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Joint Memorial No. 15, House Bills Nos. 440, 90, 157, 430 and 399, and Substitute House Bill No. 264, beg leave to report same as correctly printed.

Also, Kammerer, from the Committee on Banks and Banking, reported as follows:

Mr. Speaker:

Your Committee on Banks and Banking, to whom was referred Substitute for Senate Bill No. 124, introduced by Committee on Finance and Claims, a Bill for an Act entitled, "An Act to provide for a system of examination, audit and control of State Banks, Savings Banks, Trust Companies, Building and Loan Associations, individual Banks, private Banks and Banking Associations, other than National Banks; fixing the fees for examination under the provisions of this Act, and providing penalties for the violation thereof," having had same under due consideration, beg leave to recommend that same be not concurred in; and in lieu thereof offer a House Bill as a Substitute for Substitute Senate Bill No. 124, and recommend that the same be printed and placed on General Orders.

Report adopted.

Also, Wheeler of Silver Bow, from the Committee on Judiciary, reported as follows:

Mr. Speaker:

We, your Committee on Judiciary to whom was referred Senate Bill No. 132, introduced by Leighton, being a Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of 1907, relating to exemption of taxation," beg leave to report the same back to he House with the recommendation that the same be concurred in.

Report adopted.

Also, Berry, from the Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 205, introduced by Bell, a Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana of 1907, and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana, may bear an engraved or a lithographed fac simile signature of the Mayor and City or Town Clerk of such city or town," beg leave to report the same herewith returned properly enrolled.

Also, Martin, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 408, introduced by Story, a Bill for an Act entitled, "An Act ap-

propriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigating Committee, and authorizing the payment of the same," and

House Bill No. 417, introduced by O'Hern, a Bill for an Act entitled, "An Act to amend Section 1665 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of a clerk to the Secretary of the State Bureau of Child and Animal Protection," and

House Bill No. 415, introduced by O'Hern, a Bill for an Act entitled, "An Act to provide for the services of a clerk to the Adjutant General of the State of Montana, and fixing the compensation of said clerk," and

House Bill No. 358, introduced by O'Hern, a Bill for an Act entitled, "An Act providing for the establishing of a State Board of Poultry Husbandry, prescribing the duties of such board and appropriating money therefor," and

House Bill No. 343, introduced by Story, a Bill for an Act entitled, "A Bill to appropriate money to pay the expenses of the members of the Twelfth Legislative Assembly and Committee thereof, in investigating the condition and value of the property of Mitchell & Musigbrod, used in the care of the insane of the State of Montana," and

House Bill No. 416, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act to appropriate the sum of One Thousand ($1,000.00) Dollars, or as much thereof as may be necessary to pay the per diem and mileage of the members of the Joint Committee to invstigate the affairs of the State Board of Live Stock Commissioners, and to pay the mileage and per diem of witnesses required to testify before said Committee, and providing for the payment thereof, and for other purposes," and

House Bill No. 418, introduced by Blackburn, a Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims and salary of the members of the Supreme Court, the District Judges of the State, and the County Attorneys of the State, for the quarter ending February 28th, 1911," and

House Substitute Bill No. 139, substituting H. B. No. 139, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act to provide for districting of the State of Montana, and the appointment of four additional Deputy State Veterinary Surgeons, defining their qualifications, duties and compensation; providing for the testing of bovine animals, their quarantine, destruction and disposition, under the general supervision of the Live Stock Sanitary Board," as being correctly engrossed.

Also, Martin, from the Committee on Engrossment, reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 431, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims of the State Prison during the year ending March 1, 1911," and

House Substitute Bill No. 116, substituting House Bill No. 116, in-

troduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act to establish a State Laboratory at the Montana Agricultural Experiment Station, and to define the aim and scope of the work to be performed; and providing for the administration and to make appropriation for the establishment and maintenance thereof," and

House Bill No. 429, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expense of the State Fish Hatchery," and

House Bill No. 66, introduced by Stevens, a Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana of 1907, relating to investment of capital of insurance companies," as being correctly engrossed.

Also, Dobell, from the Committee on Apportionment and Representation, reported as follows:

Mr. Speaker:

We, your Committee on Apportionment and Representation, to whom was referred House Bill No. 255, introduced by Crouch, being a Bill for an Act entitled, "An Act to divide the State of Montana into Congressional Districts," beg leave to report the same back to the House with the recommendation that it do not pass. The Committee presented a substitute for said bill and recommend that it pass.

Report adopted.

Also, McQuitty, from the Committee on Federal Relations, reported as follows:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred Senate Bill No. 87, introduced by Committee on Public Lands, being a Bill for an Act entitled, "An Act to cede certain State School Lands to the United States in lieu of other lands, and providing for the selection of the lieu lands," beg leave to report that after having had the same under consideration recommend that it be concurred in as amended.

Report adopted.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that House Bill No. 228, introduced by Berry; House Bill No. 186, introduced by Word; House Bill No. 121, introduced by Donohue; House Bill No. 293, introduced by Roberts, and House Bill No. 392, introduced by P. J. Duffy, having been read three several times and concurred in, are herewith returned.

Also, House Bill No. 129, introduced by Story, and House Bill No. 211, introduced by Slayton, having been read three several times and concurred in as amended, are herewith returned for concurrence in Senate amendments.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

At this time upon roll call, the Substitute motion of Law to segregate the report of the Committee of the Whole, was lost by the following vote:

Ayes—Bell, Blake, Brady, Ebert, English, Grubb, Hayes, Higgins, Holt, Jacobson, Law, Macdonald, McQuitty, Moore of Valley, O'Hern, Owenhouse, Ralston, Reel, Reser, Rodgers, Story, Tolman, Vaughan, Whaley, Williams, Woody and Word—27.

Noes—Alley, Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, Gillis, Gray, Herbold, Hewett, Hickey, Holter, Johnson of Ravalli, Jordan, Kammerer, Lissner, McNally, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, Paul, Roberts, Sarter, Schwartz, Slayton, Stevens, Swick, Tuttle, Wheeler of Silver Bow and Wheeler of Cascade—43.

Absent and not voting—Johnson of Lewis and Clark, Kirschwing, McMurry—3.

Thereupon the report of the Committee of the Whole was adopted.

At this time Mr. Speaker announced that he was about to sign H. B. No. 205, a Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana of 1907, and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana may bear an engraved or lithographed fac simile signature of the Mayor and City or Town Clerk of such city or town," and signed same in the presence of the House.

Also, Substitute S. B. No. 35, a Bill for an Act entitled, "An Act to provide for the creation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties, and providing penalties for the violation thereof," and signed same in the presence of the House.

The following communications were received from the Steering Committee:

To the Chief Clerk of the House of Representatives:

Place on General Orders, House Bills Nos. 395, 109, 143, 77, 297, 198, 62, 296, 275, 328, 361, 273, 432, H. J. M. No. 3, H. B. 372, Sub. H. B. No. 10, H. B. Nos. 319, 295, 250, 385, 267, 409, 428, 454, 320 and 346.

Also, put H. J. M. No. 15 on General Orders just after 33.

The following communication was received from the Steering Committee:

To the Chief Clerk of the House of Representatives:

Place on General Orders, Senate Bills Nos. 135, 104, 189, 8, 178, 179, 160, 197, 132 and 93. Also House Bills Nos. 304, 430, 397, 440, 435, 424, 425 and 336.

BYRNES, Chairman.

On motion of Binnard, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Binnard in the chair.

House resumed.

Mr. Speaker in the chair.

Binnard, from the Committee of the Whole, reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred Sub. for S. B. No. 33, a Bill for an Act entitled, "An Act limiting the number of licenses which may be issued for the sale of intoxicating liquors, and regulating the issuance of such licenses, and providing for a revocation of license upon conviction of a penal offense," having had same under consideration, report same back to the House with the recommendation that it be concurred in as amended.

Also, having had under consideration H. J. M. No. 15, relative to the resolution calling for the termination of the treaty between the United States and the Government of Russia, report same back to the House with the recommendation that it do pass.

Also, having had under consideration S. B. No. 128, a Bill for an Act entitled, "An Act fixing the time for the opening and closing of saloons in unincorporated cities, towns and villages and providing penalties," report same back to the House with the recommendation that it be concurred in.

Also, having had under consideration S. B. No. 56, a Bill for an Act entitled, "An Act to promote Industrial Education," report same back to the House with the recommendation that it be concurred in as amended.

Report of the Committee of the Whole was adopted.

At this time Mr. Speaker announced that he was about to sign S. B. No. 163, a Bill for an Act entitled, "An Act to amend Section 1712, Revised Codes of the State of Montana, 1907, as amended by an Act of the Eleventh Legislative Assembly, entitled, 'An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salaries of the inspector and deputy inspector of mines, and to provide for the salary of such deputy inspector of mines,'" and signed same in the presence of the House.

Also, S. B. No. 55, a Bill for an Act entitled, "An Act changing and defining the boundaries of Beaverhead and Madison Counties," and signed same in the presence of the House.

Also S. B. No. 20, a Bill for an Act entitled, "An Act to appropriate money for the measurement of streams and water-sheds and the compilation of data pertaining to the use and conservation of the waters of Montana," and signed same in the presence of the House.

Also, S. B. No. 108, a Bill for an Act entitled, "An Act to amend Section 1092 of the Revised Codes of 1907, relating to the duties, powers, and compensation of the Adjutant General of the State of Montana," and signed same in the presence of the House.

Also, S. B. No. 145, a Bill for an Act entitled, "An Act providing for an appraisal commission to investigate the report with respect to the reasonable value of the property of the co-partnership of Mitchell &

Musigbrod, located in Deer Lodge County, the purchase of which has been recommended by Joint Committee; providing for the acceptance of the terms of this Act and for arbitration in order to reach agreement respecting the value of the property, and prescribing the duties of the State Board of Examiners in the premises," and signed same in the presence of the House.

Also S. B. No. 84, a Bill for an Act entitled, "An Act authorizing the State Game and Fish Warden to appoint additional deputies at certain times; providing for their compensation, and authorizing the State Game and Fish Warden to employ additional clerk, and fixing the salary thereof, and providing the manner in which the same shall be paid," and signed same in the presence of the House.

Also S. B. No. 125, a Bill for an Act entitled, "An Act providing for the investigation of the nature, source and vehicle and the cure and prevention of Rocky Mountain Spotted Fever, and appropriating money therefor," and signed same in the presence of the House.

Also, S. B. No. 23, a Bill for an Act to provide for the construction of a Biological Station for the use of the Montana State University in Flathead County, Montana, and to appropriate money therefor, and signed same in the presence of the House.

Also, S. B. No. 151, a Bill for an Act entitled, "An Act appropriating money to pay fees and expenses of a Special Prosecutor and a Special Accountant employed to investigate the affairs of the State Board of Stock Commissioners, and to prosecute all actions arising out of such investigation," and signed same in the presence of the House.

Martin, from the Committee on Engrossment, reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Joint Memorial No. 15, introduced by Nolan, "To petition Congress to adopt resolution now pending to recognize the rights of American Citizenship Under Treaty," as being correctly engrossed.

Also Berry, from the Committee on Enrollment, reported as follows: Mr. Speaker:

I have to report that at 50 minutes past 2 P. M., this 1st day of March, I submitted to the Governor for his consideration, House Bill No. 205, introduced by Bell, being a Bill for an Act entitled, "An Act to amend Section 3398 of the Revised Codes of Montana, of 1907, and providing that interest coupons for the payment of interest of any special improvement warrant of any city or town within the State of Montana, may bear an engraved or lithographed fac simile signature of the Mayor and City Clerk of such City or Town."

House Bill No. 220, introduced by Donohue, a Bill for an Act entitled, "An Act relating to the State Militia of the State of Montana, providing for the organization, regulation, maintenance and discipline of the National Guard of Montana, prescribing duties of certain County and State Officers in connection therewith, prescribing penalties and repealing Sections 1045 to 1110, inclusive, of the Revised Codes of Montana of 1907."

House Joint resolution No. 8, introduced by Asbridge, being entitled, "Extending the life of Joint Committee to investigate the affairs of the Board of Live Stock Commissioners, and defining its duties and authority."

Also, Berry, from the Committee on Enrollment, reported as follows: Mr. Speaker:

I have to report that at 2:30 P. M., this 1st day of March, I submitted to the Governor for his consideration, House Bill No. 148, introduced by Donohue; House Bill No. 213, introduced by Alley; House Bill No. 283, introduced by Paul; House Joint Resolution 427, introduced by Joint Conference; House Bill No. 167, introduced by Word, and House Bill No. 214, introduced by Committee on Appropriations.

MESSAGES FROM THE SENATE.

The following comunications were received from the Senate:

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Substitute House Bill 213, House Joint Memorial No. 7, Substitute House Bill No. 283 and House Bill 427; Substitute Senate Bill No. 35, and House Bill No. 253; House Bill 220, House Joint Resolution No. 8, House Bill No. 241, Substitute for House Bill No. 339, Substituting 79 and 65, House Bill No. 148, 221 and 167, and same were signed in open Session.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Amendments to Senate Bill No. 10 not concurred in by the Senate and on motion of Edwards, duly seconded, the Chair appointed Senators Edwards, McCarthy and McCone as a Conference Committee from the Senate to confer with a like Committee from the House.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Pursuant to foregoing, Mr. Speaker appointed Law, Woody and Blake as a Committee from the House to act with a like Committee from the Senate as a Joint Conference Committee on House Amendments to Senate Bill No. 10.

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 400, by Committee on Appropriations, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 401, by Committee on Appropriations, was this

day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 352, by Rodgers, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 274, by Joint Committee, appointed pursuant to Senate Joint Resolution No. 2, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 301, by Byrnes, was this day introduced, read first and second times and referred to Committee on Education.

Also, House Bill No. 421, by Committee on Appropriations, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Also, House Bill No. 78, by Story, was this day introduced, read first and second times and referred to Committee on Education.

Also, House Bill No. 310, by McNally, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill No. 188, introduced by Committee appointed to investigate the Carey Land Project and other State Lands; Senate Bill No. 159, by Meyer; Senate Bill No. 185, by Edwards; Senate Bill No. 171, by Whiteside; Senate Bill No. 199 by Everett; Senate Bil No. 201, by Edwards, having been read three several times and passed and considered engrossed, I herewith transmit for your concurrence.

Also, Substitute for House Bill No. 13, introduced by McNally, and House Bill No. 312, by Binnard, having been read three several times, and concurred in, I herewith return.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 199, introduced by Committee on Live Stock and Public Ranges; House Bill No. 324, introduced by Committee on Appropriations; House Bill No. 234, introduced by Paul; House Bill No. 269, introduced by Grubb; House Bill No. 130, introduced by Paul, and Substitute for House Bill No. 103, substituting House Bill No. 103, introduced by Committee on Fish and Game; above Bills having been read three several times and concurred in, are herewith returned.

Also, House Bill No. 164, introduced by O'Flynn, having been read three several times and concurred in as amended, is herewith transmitted for your concurrence in Senate Amendments.

Also, House Bill No. 240, introduced by Committee on Appropriations, House Bill No. 290, introduced by Wheeler of Silver Bow, having been read three several times and concurred in, are herewith returned.

Also, Senate Bill No. 167, introduced by Selway by request, having been read three several times and passed, considered engrossed, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, March 1, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 390, introduced by Bernard; House Bill No. 288, introduced by Reser; House Bill No. 429, introduced by Committee on Appropriations; House Joint Memorial No. 10, introduced by Tolman; House Joint Memorial No. 12, by Bernard; House Joint Memorial No. 8, introduced by Vaughan, having been read three several times and concurred in, are herewith returned.

Also Senate Bill No. 165, introduced by McDonnell, having been read three several times and passed, considered engrossed, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

No objections being offered, Mr. Speaker reverted back to the Fourth Order of Business.

REPORTS OF STANDING COMMITTEES.

McMurry from the Committee on Horticulture, reported as follows Mr. Speaker:

We, your Committee on Horticulture, to whom was referred Senate Bill No. 168, introduced by Donlan, a Bill for an Act entitled, "An Act to amend Chapter V of Part III of Title VII of the Revised Codes of 1907, relating to the industry of Horticulture; amending Sections 1918, 1922, 1923, 1924, 1925, 1931, 1934, 1939, 1942, 1944 and 1947, re-enacting Sections 1917, 1919, 1921, 1926, 1927, 1928, 1929, 1930, 1932, 1935, 1936, 1937, 1938, 1940, 1941, 1943 and 1946 thereof, adding a new Section, numbered 1923-A, repealing Sections 1920 and 1933 thereof and renumbering the Sections in said Chapter," recommend the following amendments:

Strike out in line 7 of the printed bill, all that portion after the word "board" and also strike out lines 8, 9 and 10.

Amend line 119 by inserting after the word "grafts" the wards "not previously inspected under the provisions of this Act."

Amend line 193 by inserting after the word "as" the words "fees and"

Amend line 218 by inserting after the word "stock" the words "not previously inspected under the provisions of this Act."

Amend line 227 by inserting after the words "etc., etc." the words "not previously inspected under the provisions of this Act."

Amend line 239 by striking out that portion after the words "shall" down to the word "and" in line 240, and inserting in lieu thereof the words "in the manner and at the time designated by the State Board of Horticulture."

Amend Section 1 by adding after the word "thereto" in line 134, the following:

"Provided, that when any fruit or nursery stock is condemned by any inspector, said inspector shall notify the owner thereof, who may appeal to the State Horticulturist and from the ruling of said State Horticulturist to the State Board of Horticulture, whose decision shall be final."

Report same back to the House with the recommendation that it be concurred in as amended.

Report adopted.

Also Woody, from the Committee on Education, reported as follows: Mr. Speaker:

We, your Committee on Education to whom was referred Senate Bill No. 49, a Bill for an Act entitled, "An Act relating to the qualifications of teachers and registration of certificates, and to amend Section 901 Revised Codes of Montana of 1907, relating to certificates of qualification of teachers, and to amend Section 908 Revised Codes of Montana of 1907, relating to qualifications of teachers," having had the same under consideration, report said bill back to the House with the recommendation that it be not concurred in.

Report adopted.

Also, Woody, from the Committee on Education, reported as follows: Mr. Speaker:

Your Committee on Education to whom was referred Senate Bill No. 38, a Bill for an Act entitled, "An Act to amend Section 877 of the Revised Codes of Montana, and providing for transportation of pupils within the school district where they reside or from one district to another," having had same under consideration, report the same back to the House with the recommendation that it be not concurred in.

Report adopted.

Also, Woody, from the Committee on Education, reported as follows: Mr. Speaker:

We, your Committee on Education, to whom was referred H. B. No. 72, a Bill for an Act entitled, "An Act authorizing the division of school districts having more than one school district," having had the same under consideration, report said Bill back to the House with the recommendation that it be indefinitely postponed.

Report adopted.

The following communication was received from the Steering Committee:

Report for General Orders and place at the head, Senate Bills 87 and 183.

BYRNES, Chairman.

On motion of Alley, the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Alley in the chair.

House resumed.

Speaker pro tem in the chair.

Alley, from the Committee of the Whole, reported as follows: Mr. Speaker:

Your Committee of the Whole to whom was referred S. B. No. 98, a Bill for an Act entitled, "An Act to amend Section 3342 of the Revised Codes of Montana, 1907, relative to levy of taxes by municipalities and providing for a tax levy by municipalities of not exceeding two mills of the assessed valuation of taxable property in city or town for maintaining public parks, having had same under consideration, report same back to the House with the recommendation that it be concurred in.

Also, having had under consideration S. B. No. 137, a Bill for an Act entitled, "An Act to amend Section 840 of the Compiled Laws of the State of Montana," report same back to the House with the recommendation that it be concurred in.

Also, having had under consideration S. B. No. 172 a Bill for an Act entitled, "An Act to regulate the sale of irrigable State Lands capable of reclamation under any canal or proposed canal or other irrigation system," report same back to the House with the recommendation that it be concurred in.

Also, having had under consideration S. B. No. 174, a Bill for an Act entitled, "An Act to establish a State Game preserve for the protection of antelope and other game animals and game birds, and providing penalties for the violation thereof," report same back to the House with the recommendation that it be concurred in as amended.

Also, having had under consideration S. B. No. 68, a Bill for an Act entitled, "An Act providing for the creation of election precincts and for the registration of electors in county, cities, towns and school districts, and providing penalties for the violation thereof," report same back to the House with the recommendation that it be concurred in.

Also, having had under consideration S. B. No. 45, a Bill for an Act entitled, "An Act to amend Section 899 of the Revised Codes of 1907, relating to the duties and compensation of the clerks of school districts and adding further duties to said school district clerk," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration, Senate Amendments to H. B. No. 395, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Sub. H. B. No. 109, a Bill for an Act entitled, "An Act providing for the establishment, maintenance and conduct of an institution in connection with the State Insane Asylum for the care and treatment of persons suffering from mental affliction occasioned by the use of drugs or intoxicants; pro-

viding for the commitment thereto and prescribing penalties for infractios of the provisions," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 143, a Bill for an Act entitled, "An Act providing for the regulation and control of domestic and foreign fraternal benefit societies, associations and corporations in the State of Montana, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 77, a Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary and defining his duties; and defining the duties and powers of certain other officials in relation thereto, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 297, a Bill for an Act entitled, "An Act to repeal Sections 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625 of the Revised Codes of Montana, 1907, relating to a State Board of Voting Machine Commissioners, defining their duties, powers and expenses thereof, and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 198, a Bill for an Act entitled, "An Act to regulate the practice of veterinary medicine and surgery in the State of Montana, and to establish a Board of Examiners in veterinary medicine and surgery, and to define offenses committed contrary to the provisions of this Act, and providing penalties for the violation thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 62, a Bill for an Act entitled, "An Act to amend Section 2 of Chapter 130 of the Session Laws of the Eleventh regular Session of the Legislative Assembly of the State of Montana, entitled, an Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating ot hunting and fishing licenses, the manner of issuing the same, and providing a penalty for the violation of this Act, relating to hunting and fishing licenses," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 296, a Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, as amended by an Act entitled, an Act to amend Section 2065 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines, approved March 4, 1909, and to amend Section 2067 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines," report same back to the House with the recommendation that it do pass.

Also having had under consideration S. B. No. 183, a Bill for an Act entitled, "An Act to provide for the preservation of the forests and

timber lands of and in the State of Montana, for the creation of the offices of fire wardens and deputy fire wardens, and their compensation, the manner of their appointment and term of office, and for the carrying into effect of the provisions of this Act; defining the duties and powers of said officers and other officers in connection with this Act; prescribing the duties of persons, firms and corporations under this Act and providing penalties for violations of the provisions hereof and repealing Sections XI, XII, XIII, XIV and XV, Chapter 147, the Laws of the Eleventh Legislature Assembly, report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration H. B. No. 275, a Bill for an Act entitled, "An Act to establish the office of Clerk of the Montana State Fish Commission and clerk to the Director of the State Fish Hatchery, and providing for the appointment of Mrs. Charles B. Peyton, as such clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, for the term of four years, and providing for the salary of such officer and defining the duties of such officer and appropriating money out of the Fish and Game fund for the payment of such salary," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 328, a Bill for an Act to enact a General Highway Law, with an appropriation to carry out its provisions; providing for the classification and permanent improvement of the public highways and for the granting of county and state aid in certain cases; creating a State Highway Board and the office of State Highway Commissioner and repealing Sections 1337, 1338, 1340, 1341, 1344, 1345, 1346, 1347, 1348. 1439, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357 1358 1359 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1371, 1372, 1390, 1392, 1393, 1394, 1395, 1396, 1405, 1410, 1427, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454 and 1456 of the Revised Codes, and also repealing that certain act approved March 11, 1909, entitled, "An Act to provide for the permanent improvement of main highways by extension of county aid for such purpose, to provide the manner of petitioning for such improvements, for the levying of assessments upon lands benefitted thereby for the payment of a part of the cost thereof," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration S. B. No. 87, a Bill for an Act entitled, "An Act to cede certain State School Lands to the United States in lieu of other lands and providing for the selection of the lieu lands," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration H. B. No. 273, a Bill for an Act providing for bonding fire districts in unincorporated cities and towns, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 432 a Bill for an Act to amend Sections 3176 and 3177 of the Revised Codes of Montana

of 1907, relating to fees of Justices of the Peace and Constable, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. J. M. No. 3, requesting Congress to set aside Snowy Mountain National Forest Reserve as a game preserve, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 372, a Bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 10, a Bill for an Act to amend Section 3118 of the Revised Codes of Montana of 1907, as amended by an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, relating to the salary and compensation of deputies and county officers and assistants," approved March 5th, 1909, report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 319, a Bill for an Act entitled, An Act providing for the issuance of permits by the State Game and Fish Warden or Deputy State Game and Fish Wardens, to persons desiring to trap, take, kill or capture bears, mountain lions, wild cats, lynx, mink, otters, fishers, muskrats, martens, wolves, coyotes, foxes, skunks, and other non-protected fur bearing animals, and prohibiting the shipment of pelts of any of said animals from the State of Montana until, the same having been duly inspected by the State Game and Fish Warden or Deputy State Game and Fish Warden, and certificate of inspection issued by said inspecting officer which is to be presented by consignor to transportation company or common carrier at time of shipment of pelts, and providing penalties for violation of the provisions of this Act," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 295, a Bill for an Act to amend Section 2077 of the Revised Codes relating to officers, by-laws and exempt firemen of fire companies in unincorporated cities and towns and to provide for the election by the taxpayers of fire districts in unincorporated towns, of a Board of Directors and defining the powers and duties of such board, and to amend Section 2081 of the Revised Codes relating to the levy of taxes upon property within fire districts in unincorporated cities and towns, report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 250, a Bill for an Act entitled, "An Act to amend Sections 4092 and 4106 of the Compiled Codes of the State of Montana, relating to mutual rural insurance companies," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 385, an Act entitled, "An Act to amend Section 3291 of the Revised Statutes of Montana, 1907, relating to the granting of franchises by cities and towns," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 267, a Bill for an Act entitled, "An Act to provide for the inspection of steam boats, and all other boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana, to provide for their inspection and for the appointment of an inspector of boats, to define his duties, to provide for his compensation and to provide sailing rules for all such boats, and for the general superintendence and control of navigation by the State Board of Railroad Commissioners," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 409, a Bill for an Act entitled, "An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from State Timber Lands," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 428, a Bill for an Act entitled, "An Act prohibiting the admission of children to public dance houses or hall or to any concert saloon and providing penalties for the violation thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 454, a Bill for an Act entitled, "An Act defining the term 'itinterant vendors,' to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 320, a Bill for an Act entitled, "An Act to amend Section 8782 of the Revised Codes of Montana of 1907 as amended by Chapter 81 of the Session Laws 1909 relating to the killing of deer and the open season therefor, and providing penalties for the violation thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 346, a Bill for an Act entitled, "An Act to amend Section 8797 of the Revised Codes of 1907 of the State of Montana relating to the protection of fish and prohibiting the depositing of sawdust in streams, lakes and ponds, and prescribing a penalty for the violation of this Act," report same back to the House with the recommendation that it do pass.

Also having had under consideration S. B. No. 135, a Bill for an Act entitled, "An Act to authorize the creation of districts for lighting streets in the business portion of cities of the first class, and to assess not less than one-fourth and not more than three-fourths of the cost thereof against the property abutting thereon, and the remainder of such cost against the city at large," report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration S. B. No. 104, a Bill for an Act entitled, "An Act to amend Sections 213 and 214 of the Revised Codes of Montana , 1907, relating to the salaries and expenses of the State Examiner, his Assistants, Deputies and Clerks, and providing for the appointment of a Deputy therefor," report same back to the House

with the recommendation that it be concurred in as amended.

Also having had under consideration S. B. No. 189, a Bill for an Act entitled, "An Act appropriating money to reimburse O. W. Hinote for improvements on land sold to him by the State, and to which the State failed to give him title," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 8, an Act entitled, "An Act to amend Sections 2240, 2241, 2242, 2244, 2248 and 2249 Revised Codes of 1907, relating to the Carey Land Act Board, and to provide for an Assistant Secretary of said Board," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 178, a Bill for an Act entitled, "An Act regulating the leasing of lands which are, or may be, owned by the State of Montana, lying between low and high water mark of any navigable lake within the State of Montana, and forbidding the sale or leasing thereof," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 179, a Bill for an Act entitled, "An Act prohibiting any person, copartnership or corporation from obstructing the waters of any navigable lake within the State of Montana, to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floated in and upon such navigable lake, and providing punishments for the violation of this Act," report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration S. B. No. 160, a Bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, as amended by Chapter 85 of the Session Laws of 1909, relating to the salary and compensation of deputies to County Officers and Assistants, and to amend Section 3134 of the Revised Codes of Montana of 1907, relating to the appointment of assistant and deputy County Attorneys, also to repeal Sections 3131, 3132 and 3135 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of assistant and deputy County Attorneys," report same back to the House with the recommendation that it be concurred in as amended.

Also having had under consideration S. B. No. 197, a Bill for an Act entitled, "An Act to provide an additional judge for the Twelfth Judicial District of the State of Montana, so that there will hereafter be two judges in said district," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 132, a Bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of 1907, relating to exemptions from taxation," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 93, a Bill for an Act entitled, "An Act providing for a Juvenile Court Procedure, providing for the appointment of probation officers, outlining their duties and specifying their compensation, defining juvenile delinquent persons and a delinquent child, providing a lawful method of procedure against

juvenile delinquents, their parents and guardians, specifying places for their temporary and permanent detention and the compensation for their care, providing for time and place of trials, providing methods and means to carry the provisions of this Act into effect, repealing Sections 9423 to 9439 inclusive of the Revised Codes of the State of Montana for 1907," report same back to the House with the recommendation that it be concurred in as amended.

March 1st, 1911, 5:45 o'clock P. M.

Chief Clerk, House of Representatives.

Report S. B. No. 187 at once.

BYRNES, Chairman Steering Committee.

Also having had under consideration S. B. No. 187, a Bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1910," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration H. B. No. 304, a Bill for an Act entitled, "An Act to prohibit the hunting of game animals and game birds within a certain district in the State of Montana, defining the boundaries of said district, and providing punishment for the violation thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 430, an Act appropriating money for the payment of deficiency claims for the expense of State Treasurer, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 397, a Bill for an Act entitled, "An Act appropriating money to pay deficiency claims incurred in the office of Coal Mine Inspector and Board of Examiners for coal mine foreman and mine boss," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 440, a Bill for an Act entitled, "An Act to appropriate money for the payment of the claim of certain persons for expenses incurred by the State Board of Examiners for coal mine inspector for the year ending February 28, 1911," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 435, a Bill for an Act entitled, "An Act to appropriate money to purchase certain appliances for the office of State Examiner and to defray certain expenses of said office," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 424, a Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by J. C. Lowney in serving on commission to draft liability and compensation acts," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 425, a Bill for an

Act entitled, "An Act appropriating money to defray the expenses incurred by Neil Collins in serving on Workingmen's Compensation Committee," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 336, a Bill for an Act entitled, "An Act prohibiting peace officers and other persons from obtaining confessions from persons under arrest or charged with the commission of a crime," report same back to the House with the recommendation that it do pass.

Report of the Committee of the Whole adopted.

On motion of O'Hern the House took a recess at 6:00 o'clock P. M. until 8:00 o'clock P. M.

EVENING SESSION.

House reassembled at 8:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTEES.

Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom were referred House Bills Nos. 20, 452, 397 and 455 beg leave to report same as correctly printed.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 432, introduced by Martin, a Bill for an Act to amend Sections 3176 and 3177 of the Revised Codes of Montana of 1907, relating to fees of Justice of the Peace and Constables, as being correctly engrossed. Also,

Mr. Speaker:

Your Committee on Engrossment beg leave to report Substitute for House Bill No. 109, introduced by Jordan, a Bill for an Act entitled, "An Act providing for the establishment, maintenance and conduct of an institution in connection with the State Insane Asylum for the care and treatment of persons suffering from mental affliction occasioned by the use of drugs or intoxicants; providing for the commitment thereto and prescribing penalties for infractions of the provisions thereof; and

House Bill No. 397, introduced by Committee on Appropriations, a Bill for an Act entitled; "An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and Board of Examiners for Coal Mine Foreman and Mine Boss," as being correctly engrossed. Also,

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 77, introduced by Byrnes, a Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary and defining his duties; and defining the duties and powers

of certain other officials in relation thereto, as being correctly engrossed.

Mr. Speaker:

Your Committee on Engrossment beg to report House Joint Memorial No. 3, introduced by Slayton, "A Memorial to Congress asking that the Snowy Mountains National Forest may be made a Game Preserve;" and

House Bill No. 430, introduced by Committee on Appropriations, "An Act appropriating money for the payment of deficiency claims for expenses of State Treasurer;" and

House Bill No. 372, introduced by Holter, An Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to Gambling and Gambling Devices;" and

House Bill No. 409, introduced by Gray, a Bill for an Act entitled, "An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from State Timber Lands;" and

House Bill No. 425, introduced by Committee on Appropriations, A Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by Neil Collins in serving on Workingmen's Compensation Committee;" and

House Bill No. 346, introduced by Word, a Bill for an Act entitled, "An Act to amend Section 8797 of the Revised Codes of 1907 of the State of Montana, relating to the protection of Fish and prohibiting the depositing of sawdust in streams, lakes and ponds and prescribing a penalty for the violation of this Act;" and

House Bill No. 320, introduced by McQuitty, a Bill for an Act entitled, "An Act to amend Section 8782 of the Revised Codes of Montana of 1907, as amended by Chapter 81 of the Session Laws of 1909, relating to the killing of deer and the open season therefor, and providing penalties for violation thereof;" and

House Bill No. 273, introduced by Nolan, "A Bill for an Act providing for bonding fire districts in unincorporated cities and towns;" and

Substitute for House Bill No. 62, introduced by Fish and Game Committee, A Bill for an Act entitled, "An Act to amend Section 2 of Chapter 130 of the Session Laws of the Eleventh Regular Session of the Legislative Assembly of the State of Montana entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating to hunting and fishing licenses, the manner of issuing the same and providing a penalty for the violation of this Act, relating to hunting and fishing licenses;" and

House Bill No. 440, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act to appropriate money for the payment of the claim of certain persons for expenses incurred by the State Board of Examiners for Coal Mine Inspector for the year ending February 28, 1911;" and

House Bill No. 424, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by J. C. Lowney in serving on commission to draft

Liability and Compensation Acts;" and

House Bill No. 304, introduced by Story, a Bill for an Act entitled, "An Act to prohibit the hunting of game animals and game birds within a certain district in the State of Montana, defining the boundaries of said district, and providing punishment for the violation thereof;" as correctly engrossed. Also

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 296, introduced by Stevens, a Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, as amended by an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines, approved March 4, 1909, and to amend Section 2067 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines;" and

House Bill No. 275, introduced by Dobell, a Bill for an Act entitled, "An Act to establish the office of Clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, and providing for the appointment of Mrs. Charles B. Peyton as such clerk of the Montana State Fish Commission and Clerk to the Director of the State Fish Hatchery, for the term of four years, and providing for the salary of such officer, and defining the duties of such officer and appropriating money out of the Fish and Game Fund for the payment of such salary;" and

Substitute H. B. No. 454, Substitute for House Bill Nos. 365 and 368, introduced by Committee on Townships and Counties, Substituting Senate Bill No. 72, House Bills 365 and 368, introduced by Meyer, Toiman and Gray, a Bill for an Act entitled, "An Act defining the term 'itinerant vendors,' to regulate the licensing of same, to fix the amount of such license, to provide penalties for the violation of such regulation and for other purposes;" and

House Bill No. 395, introduced by Blackburn, a Bill for an Act entitled, "An Act to permit common carriers to carry free, or at reduced rates, persons and property in certain cases," as correctly engrossed. Also

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 143, introduced by O'Flynn, a Bill for an Act entitled, "An Act providing for the regulation and control of domestic and foreign fraternal benefit societies, associations and corporations in the State of Montana, as being correctly engrossed. Also

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 336, introduced by O'Flynn, being a Bill for an Act entitled, "An Act prohibiting peace officers and other persons from obtaining or seeking to obtain confessions from persons under arrest, or charged with the commission of a crime;" and

House Bill No. 385, introduced by Alley, a Bill for an Act entitled, "An Act to amend Section 3291 of the Revised Statutes of Montana,

1907, relating to the granting of franchises by cities and towns;" and

House Bill No. 428, introduced by Bell, a Bill for an Act entitled, "An Act prohibiting the admission of children to public dance houses or halls or to any concert saloon and providing penalties for the violation thereof;" and

House Bill No. 435, introduced by Eliel, a Bill for an Act entitled, "An Act to appropriate money to purchase certain appliances for the office of State Engineer and to defray certain expenses of said office," as being correctly engrossed. Also

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 250, introduced by Bernard, being a Bill for an Act entitled, "An Act to amend Sections 4092 and 4106 of the Compiled Codes of Montana, relating to Mutual Rural Insurance Companies," and House Bill No. 297, introduced by Blackburn, a Bill for an Act entitled, "An Act to repeal Sections 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 625 of the Revised Codes of Montana, 1907, relating to voting machines," as being correctly engrossed.

THIRD READING OF SENATE BILLS.

S. B. No. 87 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Jordan, McMurry, Murray, Ralston, Reser, Roberts Rodgers, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan and Mr. Speaker—33.

Noes—None.

Absent and not voting—Baker, Bell, Bernard, Berry, Burt, Donohue, Duffy of Silver Bow, Eliel, Hewett, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Sarter, Stevens, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—40.

Title agreed to.

S. B. No. 183 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Binnard, Blackburn, Blake, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, English, Gray, Grubb, Hayes, Herbold Hickey, Higgins, Jordan, McMurry, McNally, Ralston, Reser, Roberts, Rodgers, Schwartz, Story, Swick, Tolman, Tuttle, Vaughan, Woody and Mr. Speaker—34.

Noes—Slayton—1.

Absent and not voting—Bell Bernard, Berry, Burt, Donohue, Duffy of Silver Bow, Eliel, Gillis, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel

Sarter, Stevens, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—38.

Title agreed to.

THIRD READING OF HOUSE BILLS.

H. B. No. 408 having been read three several times was ready for roll call on its final passage, whereupon by unanimous consent Story offered the following motion:

Mr. Speaker:

I move to amend Section 1 by striking out in line 1 the words "six teen hundred forty-seven and 12-100" and inserting in lieu thereof the words "sixteen hundred seventy-three and 72-100."

Also insert as line 31½ the words and figures, "John Driscoll, $26.60," and upon the motion being adopted H. B. No. 408 as amended was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Binnard, Blackburn, Blake, Brady, Byrnes, Dobell, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Jacobson, Johnson of Ravalli, Jordan, McMurry, Murray, Nolan, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Swick, Tolman, Tuttle, Woody and Mr. Speaker—37.

Noes—None.

Absent and not voting—Bell, Bernard, Berry, Burt, Crouch, Donohue, Duffy of Silver Bow, Eliel, Hewett, Holt, Holter, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McNally, McMcQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhouse, Reel, Sarter, Stevens, Story, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—36.

Title agreed to.

H. B. No. 417, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Binnard, Blackburn, Blake, Brady, Dobell, Ebert, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins Jacobson Johnson of Ravalli, Jordan, McMurry, Murray Nolan, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Woody and Mr. Speaker—36.

Noes—None.

Absent ad not voting—Bell, Bernard Berry, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, Hewett, Holt, Holter, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McNally, McQuitty, Martin, Moore tof Silver Bow, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhouse, Reel, Rodgers, Sarter, Stevens, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—37.

Title agreed to.

H. B. No. 358, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Brady, Byrnes, Dobell, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb,

Hayes, Hickey, Higgins, Holter, Jacobson, Jordan, Kirschwing, McMurry, McNally, Martin, Moore of Silver Bow, Murray, Nolan, O'Hern, Paul, Ralston, Reser, Roberts, Schwartz, Story, Swick, Tuttle, Woody and Mr. Speaker—39.

Noes—Slayton and Vaughan—2.

Absent and not voting—Baker, Berry, Blake, Burt, Crouch, Donohue, Duffy of Silver Bow, Eliel, Herbold, Hewett, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McQuitty, Moore of Valley, Nelson, O'Flynn, Owenhouse, Reel, Rodgers, Sarter, Stevens, Tolman, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—32.

Title agreed to.

H. B. No. 416 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blackburn, Blake, Crouch, Dobell, Donohue, Ebert, Eliel, Gillis, Gray, Grubb, Herbold, Hickey, Higgins, Holter, Jacobson, Jordan, Kirschwing, Macdonald, McMurry, McNally, Martin, Murray, O'Hern, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan and Mr. Speaker—40.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Brady, Burt, Byrnes, Duffy of Granite, Duffy of Silver Bow, English, Hayes, Hewett, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McQuitty, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Owenhouse, Reel, Sarter, Stevens, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—33.

Title agreed to.

H. B. No. 418 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blackburn, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Eliel, English, Gillis, Gray, Hayes, Hickey, Higgins, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, McMurry, Nolan, O'Hern, Paul, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan and Mr. Speaker—37.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Blake, Burt, Donohue, Duffy of Silver Bow, Ebert, Grubb, Herbold, Hewett, Holt, Holter, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, Owenhouse, Ralston, Reel, Stevens, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—36.

Title agreed to.

House Bill No. 415 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bernard, Binnard, Blackburn, Blake, Brady, Byrnes, Dobell, Duffy, Ebert, English, Gillis, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Jacobson, Jordan, Kirschwing, McMurry, Mc-

Nally, Moore of Silver Bow, Murray, Nolan, Ralston, Reser, Schwartz, Slayton, Swick, Tolman, Tuttle, Vaughan, Mr. Speaker—36.

Noes—None.

Absent and not voting—Baker, Bell, Burt, Crouch, Donohue, Duffy of Silver Bow, Eliel, Hewett, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McQuitty, Martin, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Roberts, Rodgers, Sarter, Stevens, Story, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—37.

Title agreed to.

House Bill No. 343 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Crouch, Dobell, Donohue, Ebert, English, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Jacobson, Jordan, Kirschwing, McNally, Martin, Moore of Silver Bow, Murray, Nolan, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Woody, Mr. Speaker—39.

Noes—None.

Absent and not voting—Baker, Berry, Blake, Brady, Burt, Byrnes, Duffy of Granite, Duffy of Silver Bow, Eliel, Gillis, Hewett, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McMurry, McQuitty, Moore of Valley, Nelson, O'Flynn, O'Hern, Owenhouse, Reel, Rodgers, Sarter, Stevens, Whaley, Wheeler of Cascade, Williams, Word—34.

Title agreed to.

Substitute House Bill No. 139 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Blake, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Herbold, Hickey, Higgins, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, McNally, Martin, Moore of Silver Bow, Murray, Nolan, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Woody, Mr. Speaker—42.

Noes—None.

Absent and not voting—Baker, Berry, Brady, Burt, Byrnes, Duffy, of Silver Bow, Eliel, Grubb, Hayes, Hewett, Holt, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McMurry, McQuitty, Moore of Valley Nelson, O'Flynn, O'Hern, Owenhouse, Reel, Stevens, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word—31.

Title agreed to.

H. J. M. No. 15 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Bernard, Binnard, Blake, Brady, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Hayes, Hickey, Holter, Jacobson, Jordan, Kirschwing, Martin, Moore of Silver Bow, Murray, Nolan, O'Hern, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Woody and

Mr. Speaker—38.

Noes—Alley and Stevens—2.

Absent and not voting—Baker, Berry, Blackburn, Burt, Byrnes, Duffy of Silver Bow, Eliel, Grubb, Herbold, Hewett, Higgins, Holt, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Moore of Valley, Nelson, O'Flynn, Owenhouse, Reel, Rodgers, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—33.

Title agreed to.

S. B. No. 28 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blackburn, Blake, Brady, Dobell, Duffy of Granite, Ebert, English, Gillis, Gray, Hayes, Hickey, Holt, Holter, Macdonald, Murray, Paul, Ralston, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tuttle, Woody and Mr. Speaker—33.

Noes—Higgins, Jacobson and Vaughan—3.

Absent and not voting—Baker, Berry, Burt, Byrnes, Crouch, Donohue, Duffy of Silver Bow, Eliel, Grubb, Herbold, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Reser, Tolman, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—37.

Title agreed to.

Senate Bill No. 128 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Donohue, Duffy of Granite, Gray, Grubb, Hayes, Herbold, Hewett, Jacobson, Johnson of Ravalli, Jordan, Macdonald, McQuitty, Moore of Valley, Ralston, Reser, Rodgers, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Woody, Mr. Speaker—30.

Noes—Crouch, Hickey, Higgins, Holt, Holter, Kirschwing, McNally, Moore of Silver Bow, Murray, O'Hern, Roberts, Schwartz, Stevens, Wheeler of Silver Bow—14.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Dobell, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McMurry, Martin, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Reel, Whaley, Wheeler of Cascade, Williams, Word—29.

Title agreed to.

Substitute for Senate Bill No. 33 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blackburn, Blake, Brady, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Macdonald, McQuitty, Moore of Valley, Ralston, Reser, Roberts, Sarter, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Woody, Mr. Speaker—36.

Noes—McNally, Moore of Silver Bow, Murray, Schwartz and

Stevens—5.

Absent and not voting—Baker, Berry, Binnard, Burt, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Eliel, Grubb, Hayes, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, Martin, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Rodgers, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word —32.

Title agreed to.

Sub. S. B. No. 56 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Crouch, Donohue, Ebert, English, Gillis, Gray, Herbold, Hewett, Higgins, Holt, Holter, Jacobsón, Jordan, Kirschwing, Macdonald, McQuitty, Murray, Owenhouse, Ralston, Reser, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Wheeler of Silver Bow, Woody and Mr. Speaker—37.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Dobell, Duffy of Granite, Duffy of Silver Bow, Eliel, Grubb, Hayes, Hickey, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Paul, Reel, Roberts, Tuttle, Whaley, Wheeler of Cascade, Williams and Word—36.

Title agreed to.

H. B. No. 372 having been read three several times was passed by the following vote:

Ayes—Binnard, Blackburn, Brady, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Gray, Herbold, Hewett, Holt, Holter, Lissner, Moore of Silver Bow, Murray, O'Flynn, Roberts, Rodgers, Schwartz, Stevens, Swick, Wheeler of Silver Bow, Woody and Mr. Speaker—26.

Noes—Asbridge, Bell, Grubb, Hickey, Higgins, Jacobson, Johnson of Ravalli, Jordan, Law, McQuitty, Moore of Valley, Nolan, O'Hern, Owenhouse, Reser, Sarter, Slayton, Story, Tolman, Tuttle, Vaughan—21.

Absent and not voting—Alley, Baker, Bernard, Berry, Blake, Burt, Byrnes, Dobell, Ebert, Eliel, Hayes, Johnson of Lewis and Clark, Kammerer, Kirschwing, Macdonald, McMurry, McNally, Martin, Nelson, Paul, Ralston, Reel, Whaley, Wheeler of Cascade, Williams and Word—26.

Title agreed to.

House Bill No. 432 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Binnard, Blackburn, Blake, Donohue, Duffy of Granite, Ebert, English, Gillis, Gray, Grubb, Hewett, Holt, Holter, Jacobson, Jordan, Macdonald, McQuitty, Martin, Murray, Nolan, O'Hern, Owenhouse, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Vaughan, Woody and Mr. Speaker—37.

Noes—Johnson of Ravalli—1.

Absent and not voting—Alley, Baker, Bernard, Berry, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Eliel, Hayes, Herbold, Hickey, Higgins, Johnson of Lewis and Clark, Kammerer, Kirschwing,

Law Lissner, McMurry, McNally, Moore of Silver Bow, Moore of Valley, Nelson, O'Flynn, Paul, Ralston, Reel, Stevens, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—35.

Title agreed to.

House Bill No. 395 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Blackburn, Blake, Crouch, Dobell, Donohue, Duffy of Granite, English, Gillis, Gray, Hewett, Holt, Holter, Johnson of Ravalli, Jordan, Lissner, Macdonald, McNally, Moore of Silver Bow, O'Flynn, Owenhouse, Ralston, Roberts, Rodgers, Schwartz, Stevens, Tuttle, Vaughan and Mr. Speaker—31.

Noes—Asbridge, Bernard, Binnard, Brady, Ebert, Eliel, Grubb, Hayes, Herbold, Hickey, Higgins, Jacobson, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Valley, Murray, O'Hern, Paul, Reser, Sarter, Slayton, Story, Swick, Tolman, Wheeler of Silver Bow and Woody —29.

Absent and not voting—Berry, Burt, Byrnes, Duffy of Silver Bow, Johnson of Lewis and Clark, Kammerer, Nelson, Nolan, Reel, Whaley, Wheeler of Cascade, Williams and Word—13.

Title agreed to.

Senate Bill No. 137 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blake, Brady, Burt, Byrnes, Crouch, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Macdonald, McMurry, McNally, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Ralston, Roberts, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Woody, Word and Mr. Speaker—48.

Noes—Law—1.

Absent and not voting—Berry, Blackburn, Dobell, Donohue, Duffy of Silver Bow, English, Grubb, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Lissner, McQuitty, Martin, Nelson, Nolan, Paul, Reel, Reser, Rodgers, Sarter, Whaley, Wheeler of Cascade, Williams —24.

Title agreed to.

S. B. No. 98 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blake, Brady, Crouch, Dobell, Donohue, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Hayes, Hewett, Holt, Holter, Jordan, Kirschwing, Lissner, Maconald, McMurry, McNally, Moore of Silver Bow, Murray, O'Flynn, O'Hern, Owenhouse, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tuttle, Vaughan, Woody and Mr. Speaker—43.

Noes—Higgins, Johnson of Ravalli, Moore of Valley, Tolman—4.

Absent and not voting—Berry, Binnard, Blackburn, Burt, Byrnes, Duffy of Silver Bow, English, Herbold, Hickey, Jacobson, Johnson of Lewis and Clark, Kammerer, Law, McQuitty, Martin, Nelson, Nolan, Paul, Ralston, Reel, Reser, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—26.

Title agreed to.

S. B. No. 172 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blake, Byrnes, Crouch, Dobell, Donohue, Eliel, Gray, Hayes, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Macdonald, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Swick, Tolman, Tuttle, Woody, Word and Mr. Speaker—39.

Noes—Law and McMurry—2.

Absent and not voting—Berry, Binnard, Blackburn, Brady, Burt, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Grubb, Herbold, Hickey, Higgins, Johnson of Lewis and Clark, Kammerer, Kirschwing, Lissner, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Reel, Rodgers, Story, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Williams—32.

Title agreed to.

Sub. for S. B. No. 68 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Byrnes, Crouch, Duffy of Granite, Ebert, Gray, Hayes, Herbold, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Lissner, Macdonald, Murray, Nolan, O'Hern, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Woody, Word and Mr. Speaker—35.

Noes—Dobell, Law, McMurry, McNally, Moore of Silver Bow—5.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Blake, Brady, Burt, Donohue, Duffy of Silver Bow, Eliel, English, Gillis, Grubb, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, McQuitty, Martin, Moore of Valley, Nelson, O'Flynn, Owenhouse, Paul, Reel, Rodgers, Stevens, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Williams—33.

Title agreed to.

S. B. No. 135 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blake, Brady, Dobell, Duffy of Granite, Ebert, English, Gillis, Gray, Hayes, Holt, Holter, Jacobson, Jordan, Kirschwing, Macdonald, McMurry, McNally, Moore of Silver Bow, Murray, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reser, Roberts, Sarter, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Woody, Word and Mr. Speaker—41.

Noes—Hickey, Higgins, Johnson of Ravalli and Law—4.

Absent and not voting—Berry, Binnard, Blackburn, Burt, Byrnes, Crouch, Donohue, Duffy of Silver Bow, Eliel, Grubb, Herbold, Hewett, Johnson of Lewis and Clark, Kammerer, Lissner, McQuitty, Martin, Moore of Valley, Nelson, Owenhouse, Reel, Rodgers, Schwartz, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams—28.

Title agreed to.

Senate Bill No. 174 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blake, Crouch,

Duffy of Granite, Ebert, Eliel, English, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Jordan, Kirschwing, McMurry, Moore of Valley, Murray, Nolan, O'Hern, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Swick, Tolman, Wheeler of Silver Bow, Word and Mr. Speaker—40.

Noes—Law—1.

Absent and not voting—Berry, Blackburn, Brady, Burt, Byrnes, Dobell, Donohue, Duffy of Silver Bow, Gillis, Gray, Grubb, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Nelson, O'Flynn, Owenhouse, Reel, Stevens, Story, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody—32.

Title agreed to.

Amendments to Senate Bill No. 45 were concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Binnard, Blake, Brady, Crouch, Dobell, Ebert, Eliel, English, Gray, Hayes, Herbold, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Macdonald, Murray, O'Flynn, O'Hern, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Word and Mr. Speaker—43.

Noes—Law—1.

Absent and not voting—Berry, Blackburn, Burt, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Gillis, Grubb, Hewett, Holter, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, Owenhouse, Reel, Rodgers, Whaley, Wheeler of Cascade, Williams, Woody—29.

Title agreed to.

S. B. No. 189 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blake, Byrnes, Crouch, Duffy of Granite, Eliel, English, Gillis, Gray, Hayes, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Lissner, Macdonald, McMurry, McNally, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reser, Roberts, Rodgers, Sarter, Slayton, Stevens, Story, Tolman, Tuttle, Word and Mr. Speaker—43.

Noes—Law—1.

Absent and not voting—Baker, Berry, Blackburn, Brady, Burt, Dobell, Donohue, Duffy of Silver Bow, Ebert, Grubb, Herbold, Hewett, Johnson of Lewis and Clark, Kammerer, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Ralston, Reel, Schwartz, Swick, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Woody—29.

Title agreed to.

S. B. No. 8 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Byrnes, Crouch, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Jacobson, Johnson

of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McNally, Nolan, O'Hern, Owenhouse, Paul, Reser, Roberts, Rodgers, Sarter, Schwartz, Stevens, Story, Swick, Tolman, Tuttle, Word and Mr. Speaker —38.

Noes—None.

Absent and not voting—Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Dobell, Duffy of Silver Bow, Ebert, Gillis, Herbold, Hewett, Holter, Johnson of Lewis and Clark, Kammerer, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Flynn, Ralston, Reel, Slayton, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Woody—35.

Title agreed to.

Senate Bill No. 104 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Blake, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Eliel, English, Gillis, Gray, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Lissner, Macdonald, McMurry, McNally, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse,, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Stevens, Story, Swick, Tolman, Tuttle, Vaughan, Woody, Mr. Speaker—48.

Noes—Law—1.

Absent and not voting—Bernard, Berry, Binnard, Blackburn, Burt, Donohue, Duffy of Silver Bow, Ebert, Grubb, Herbold, Johnson of Lewis and Clark, Kammerer, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Reel, Rodgers, Slayton, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word—24.

Title agreed to.

Senate Bill No. 178 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bernard, Blake, Dobell, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Jordan, Lissner, Macdonald, McMurry, McNally, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Story, Tolman, Tuttle, Woody, Word, Mr. Speaker—38.

Noes—Law—1.

Absent and not voting—Baker, Bell, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Duffy of Silver Bow, Ebert, Gillis, Herbold, Hewett, Holter, Johnson of Lewis and Clark, Kammerer, Kirschwing, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, O'Hern, Reel, Sarter, Stevens, Swick, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams—34.

Title agreed to.

S. B. No. 160 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Blake, Byrnes, Crouch, Dobell, Ebert, Eliel, English, Gray, Hayes, Hickey, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Lissner, Macdonald, McMurry, McNally, Murray, Nolan, O'Flynn, Paul, Reser, Roberts, Rodgers, Sarter, Schwartz,

Stevens, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Woody, Word and Mr. Speaker—40.

Noes—Higgins, Law and O'Hern—3.

Absent and not voting—Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Donohue, Duffy of Granite, Duffy of Silver Bow, Gillis, Grubb, Herbold, Hewett, Johnson of Lewis and Clark, Kammerer, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Owenhouse, Ralston, Reel, Slayton, Vaughan, Whaley, Wheeler of Cascade and Williams—30.

Title agreed to.

S. B. No. 132 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Brady, Byrnes, Crouch, Dobell, Duffy of Granite, Ebert, Eliel, Hayes, Hickey, Holt, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Lissner, McQuitty, Murray, Nolan, O'Hern, Paul, Ralston, Reser, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Wheeler of Silver Bow, Word and Mr. Speaker—37.

Noes—Higgins, Law and Moore of Valley—3.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Burt, Donohue, Duffy of Silver Bow, English, Gillis, Gray, Grubb, Herbold, Hewett, Holter, Johnson of Lewis and Clark, Kammerer, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Nelson, O'Flynn, Owenhouse, Reel, Roberts, Stevens, Vaughan, Whaley, Wheeler of Cascade, Williams and Woody—33.

Title agreed to.

Senate Bill No. 179 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Brady, Crouch, Dobell, Duffy of Granite, Ebert, Gillis, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Murray, Nolan, O'Flynn, O'Hern, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Tuttle, Woody, Word and Mr. Speaker—46.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Burt, Byrnes, Donohue, Duffy of Silver Bow, Eliel, English, Herbold, Hewett, Holter, Johnson of Lewis and Clark, Kammerer, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Owenhouse, Reel, Swick, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams—27.

Title agreed to.

Senate Bill No. 197 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Crouch, Dobell, Ebert, Eliel, Gray, Hayes, Hickey, Higgins, Holt, Jacobson, Jordan, Kirschwing, Lissner, Macdonald, McNally, Murray, O'Hern, Paul Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Word and Mr. Speaker—35.

Noes—Law, Moore of Valley—2.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Grubb, Herbold, Hewett, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, McMurry, McQuitty, Martin, Moore of Silver Bow, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams—Woody—36.

Title agreed to.

S. B. No. 93 having been read three several times was concurred in by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Burt, Crouch, Dobell, Eliel, English, Gray, Grubb, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Lissner, Macdonald, McNally, O'Hern, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Woody, Word and Mr. Speaker—38.

Noes—Law—1.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Byrnes, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Johnson of Lewis and Clark, Kammerer, McMurry, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Reel, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Williams—34.

Title agreed to.

S. B. No. 187 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Crouch, Duffy of Granite, English, Gray, Grubb, Hickey, Holt, Jacobson, Kirschwing, Lissner, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Story, Tolman, Word and Mr. Speaker—25.

Noes—Higgins and Law—2.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Burt, Byrnes, Dobell, Donohue, Duffy of Silver Bow, Ebert, Eliel, Gillis, Hayes, Herbold, Hewett, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Rodgers, Slayton, Stevens, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Woody—46.

Title agreed to

Substitute House Bill No. 109 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell Bernard, Blake, Dobell, Ebert, Eliel, English, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Jacobson, Johnson of Ravalli Jordan, Kirschwing, Lissner, Macdonald, Murray, O'Hern, Paul, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Tuttle, Word and Mr. Speaker—36.

Noes—Law—1.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady,

Burt, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Gillis, Herbold, Hewett, Holter, Johnson of Lewis and Clark, Kammerer, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Owenhouse, Ralston, Reel, Stevens, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Woody—36.

Title agreed to.

House Joint Memorial No. 3 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Blake, Ebert, English, Gray, Hickey, Holt, Jacobson, Jordan, Kirschwing, Macdonald, Moore of Silver Bow, Murray, O'Hern, Owenhouse, Roberts, Schwartz, Slayton, Story, Tolman, Woody, Mr. Speaker—24.

Noes—Law McQuitty, Moore of Valley—3.

Absent and not voting—Baker, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, Gillis, Grubb, Hayes, Herbold, Hewett, Higgins, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McNally, Martin, Nelson, Nolan, O'Flynn, Paul, Ralston, Reel, Reser, Rodgers, Sarter, Stevens, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word —46.

H. B. No. 77 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Byrnes, Dobell, Duffy of Granite, Eliel, English, Gray, Grubb, Hayes, Higgins, Holt, Jacobson, Jordan, Lissner, Macdonald, McNally, Murray, O'Hern, Reser Rodgers, Sarter, Schwartz, Story, Tolman, Word and Mr. Speaker—31.

Noes—Hickey, Law, McQuitty and Swick—4.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Donohue, Duffy of Silver Bow, Ebert, Gillis, Herbold, Hewett, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Slayton, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Woody—38.

Title agreed to.

H. B. No. 409 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Dobell, Duffy of Granite, Eliel, English, Gray, Herbold, Hickey, Higgins, Jacobson, Johnson of Ravalli, Jordan, Kirschwing, Macdonald, Murray, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman and Mr. Speaker—30.

Noes—Law and Woody—2.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Donohue, Duffy of Silver Bow, Ebert, Gillis, Grubb, Hayes, Hewett, Holt, Holter, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver

Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Rodgers, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Word—41.

Title agreed to.

Macdonald moved to adjourn.

Motion lost.

House Bill No. 430 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blackburn, Blake, Crouch, Duffy of Granite, English, Gray, Herbold, Hickey, Higgins, Jacobson, Jordan, Kirschwing, Macdonald, McQuitty, Murray, Nolan, O'Hern, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman and Mr. Speaker—32.

Noes—Johnson of Ravalli, Law—2.

Absent and not voting—Baker, Berry, Binnard, Brady, Burt, Byrnes, Dobell, Donodue, Duffy of Silver Bow, Ebert, Eliel, Gillis, Grubb, Hayes, Hewett, Holt, Holter, Johnson of Lewis and Clark, Kammerer, Lissner, McMurry, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Flynn, Owenhouse, Reel, Rodgers, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word—39.

Title agreed to.

Law moved to adjourn.

Motion lost.

On motion of Law the roll was called to ascertain whether a quorum was present and the Clerk announced 46 members present.

Law moved to adjourn until 9:30 a 'clock A. M. tomorrow. Motion lost.

H. B. No. 425 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Byrnes, Dobell, Donohue, English, Gray, Grubb, Hickey, Higgins, Jacobson, Jordan, Kirschwing, Law, Lissner, Macdonald, McQuitty, Moore of Silver Bow, Murray, Nolan, O'Flynn, Paul, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Wheeler of Silver Bow and Mr. Speaker—35.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, McMurry, McNally, Martin, Moore of Valley, Nelson, O'Hern, Owenhouse, Ralston, Reel, Rodgers, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Cascade, Williams, Woody and Word—38.

Title agreed to.

House Bill No. 320 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Byrnes, Dobell, Donohue, Duffy of Granite, Ebert Eliel, English, Gray, Grubb, Higgins, Jordan, Kirschwing, Lissner, Macdonald, McMurry, McQuitty, Moore of

Silver Bow, Moore of Valley, Nolan, O'Flynn, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Woody and Mr. Speaker—37.

Noes—Hickey, Paul—2.

Absent and not voting—Baker, Berry, Blackburn, Brady, Burt, Crouch, Duffy of Silver Bow, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, McNally, Martin, Murray, Nelson, O'Hern, Owenhouse, Reel, Rodgers, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word—34.

Title agreed to.

Substitute House Bill No. 62 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Blake, Byrnes, Dobell, Duffy of Granite, Gray, Grubb, Hickey, Higgins, Jordan, Lissner, McMurry, McNally, Moore of Silver Bow, Moore of Valley, Murray, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Stevens, Story, Swick, Tolman, Vaughan, Wheeler of Silver Bow and Mr. Speaker —34.

Noes—None.

Absent and not voting—Baker, Bernard, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Donohue, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Macdonald, McQuitty, Martin, Nelson, O'Hern, Owenhouse, Reel, Slayton, Tuttle, Whaley, Wheeler of Cascade, Williams, Woody, Word—39.

Title agreed to.

On motion of Law, roll call was ordered to ascertain at this time whether a quorum was present and the Clerk announced that 42 members were present.

Law moved a reconsideration of the vote by which H. B. No. 425 was passed.

On motion of Law, duly seconded, a roll call was had and the above motion was lost by the following vote:

Ayes—Crouch, Law, Martin, O'Hern, Sarter and Woody—6.

Noes—Alley, Bell, Bernard, Blake, Byrnes, Dobell, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hickey, Higgins, Jordan, Lissner, Macdonald, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Rodgers, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Wheeler of Silver Bow and Mr. Speaker —35.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, McMurry, McNally, McQuitty, Murray, Nelson, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Cascade, Williams and Word—32.

O'Hern moved to adjourn until 9:00 o'clock A. M. tomorrow. Motion lost.

At this time Law moved that a call of the House be had. Motion lost.

H. B. No. 346 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Byrnes, Dobell, Donohue, Duffy of Granite, English, Gray, Grubb, Hickey, Higgins, Jacobson, Jordan, Kirschwing, Lissner, Macdonald, McMurry, Nolan, O'Flynn, Ralston, Reser, Roberts, Starter, Schwartz, Slayton, Stevens, Story, Tolman and Mr. Speaker—33.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Duffy of Silver Bow, Ebert, Eliel, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Hern, Owenhouse, Paul, Reel, Rodgers, Swick, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—40.

Title agreed to.

H. B. No. 273 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blake, Byrnes, Dobell, Donohue, Duffy of Granite, English, Gray, Grubb, Hickey, Higgins, Jacobson, Jordan, Kirschwing, Macdonald, Moore of Silver Bow, Murray, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Wheeler of Silver Bow and Mr. Speaker—38.

Noes—McMurry McQuitty and Moore of Valley—3.

Absent and not voting—Baker, Berry, Blackburn, Brady, Burt, Crouch, Duffy of Silver Bow, Ebert, Eliel, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McNally, Martin, Nelson, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Cascade, Williams, Woody and Word—32.

Title agreed to.

Martin moved to adjourn until 9:00 o'clock A. M. tomorrow. Motion lost.

Martin moved that a call of the House be had. Motion lost.

H. B. No. 440 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Byrnes, Dobell, Duffy of Granite, English, Gray, Grubb, Hickey, Higgins, Jordan, Macdonald, McNally, Moore of Silver Bow, Murray, Nolan, O'Flynn, Paul, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman and Mr. Speaker—30.

Noes—None.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Donohue, Duffy of Silver Bow, Ebert, Eliel, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Liss-

ner, McMurry, McQuitty, Martin, Moore of Valley, Nelson, O'Hern, Owenhouse, Ralston, Reel, Rodgers, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word—43.

Title agreed to.

The question of a quorum was presented and upon count the Clerk announced no quorum present.

On motion of Roberts, duly seconded, a call of the House was ordered.

Byrnes moved that further proceedings under the call of the House be dispensed with. Motion lost.

A quorum at this time was found to be present.

Murray moved that further proceedings under the call of the House be dispensed with. Motion prevailed.

Macdonald moved that when this House adjourn it adjourn to meet at 9:30 o'clock tomorrow morning. Motion prevailed.

H. B. No. 304 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Byrnes, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hickey, Higgins, Jordan, Kirschwing, Macdonald, McNally, Moore of Silver Bow, Murray, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick and Mr. Speaker—33.

Noes—None.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Dobell, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McMurry, McQuitty, Martin, Moore of Valley, Nelson, O'Hern, Owenhouse, Reel, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—40.

Title agreed to.

House Bill No. 424 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Byrnes, Duffy of Granite, English, Gray, Hickey, Higgins, Jordan, Lissner, Macdonald, McNally, Moore of Silver Bow, Murray, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Mr. Speaker—30.

Noes—None.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Silver Bow, Ebert, Eliel, Gillis, Grubb, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Valley, Nelson, O'Hern, Owenhouse, Reel, Rodgers, Stevens, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word—43.

Title agreed to.

House Bill No. 296 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Byrnes, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hickey, Higgins, Jordan, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nolan, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman and Mr. Speaker—33.

Noes—None.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Dobell, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, McMurry, McQuitty, Nelson, O'Flynn, O'Hern, Owenhouse, Reel, Rodgers, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word—40.

Title agreed to.

H. B. No. 275 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Byrnes, Dobell, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hickey, Higgins, Jordan, Kirschwing, Macdonald, McNally, Moore of Silver Bow, Murray, Nolan, O'Flynn, Paul, Ralston, Reser, Sarter, Schwartz, Slayton, Stevens, Story, Tolman, Vaughan and Mr. Speaker—33.

Noes—Swick—1.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McMurry, McQuitty. Martin, Moore of Valley, Nelson, O'Hern, Owenhouse, Reel, Roberts, Rodgers, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—39.

Title agreed to.

H. B. No. 454 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Byrnes, Donohue, English, Gray, Hickey, Higgins, Jordan, Macdonald, McNally, Moore of Silver Bow, Murray, O'Flynn, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Stevens, Story, Swick, Tolman and Mr. Speaker—27.

Noes—None.

Abent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, Gillis, Grubb, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, McMurry, McQuitty, Martin, Moore of Valley, Nelson, Nolan, O'Hern, Owenhouse, Reel, Rodgers, Sarter, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—46.

Title agreed to.

Slayton moved to adjourn. Motion lost.

House Bill No. 143 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Byrnes, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Jordan, Macdonald, McNally, Moore of Silver Bow, Murray, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Mr. Speaker—29.

Noes—Kirschwing—1.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Crouch, Dobell, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Hickey, Higgins, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Law, Lissner, McMurry, McNally, Martin, Moore of Valley, Nelson, O'Hern, Owenhouse, Reel, Rodgers, Sarter, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow Wheeler of Cascade, Williams, Woody, Word—43.

Title agreed to.

House Bill No. 397 having been read three several times was passed by the folowing vote:

Ayes—Alley, Bell, Bernard, Blake, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hickey, Higgins, Jordan, McNally, Moore of Silver Bow, Murray, O'Flynn, Paul, Ralston, Reser, Roberts, Rodgers Schwartz, Slayton, Stevens, Story, Swick, Tolman and Mr. Speaker—29

Noes—None.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McQuitty, Martin, Moore of Valley, Nelson, Nolan, O'Hern, Owenhouse, Reel, Sarter, Tuttle, Vaughan. Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody, Word—44.

Title agreed to.

Sub. H. B. No. 336 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Donohue, Duffy of Granite, Eliel, English, Gray, Grubb, Hickey, Higgins, Jordan, Macdonald, McNally, Moore of Silver Bow. Murray, Nolan, O'Flynn, Paul, Ralston, Reser, Roberts, Schwartz, Slayton, Stevens, Story, Swick, Tolman and Mr. Speaker—30.

Noes—None.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Burt, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Ebert, Gillis Hayes, Herbold, Hewett, Holt, Holter, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, McMurry, McQuitty, Martin, Moore of Valley, Nelson, O'Hern, Owenhouse, Reel, Rodgers, Sarter, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—43.

Title agreed to.

On motion of Roberts the House adjourned at 11:50 o'clock P. M. until 9:30 o'clock A. M. tomorrow.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.

Sixtieth Day.

Thursday, March 2, 1911.

House met pursuant to adjournment at 9:30 o'clock A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members found present except Duffy of Granite, who subsequently appeared.

On motion of Jordan the Journal of the Fifty-ninth Day as read was approved.

The following communication was received from the Steering Committee:

To the Speaker of the House of Representatives:

Place on General Orders S. B. Nos. 201, 168 and 113, S. J. M. No. 10, H. B. Nos. 100, 451, 108 and 413 and Senate Amendments to H. B. Nos. 242, 190, 164, 129 and 211.

BYRNES, Chairman.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 295, introduced by Nolan, "a Bill for an Act to amend Section 2077 of the Revised Codes relating to officers, by-laws and exmept firemen of fire companies in unincorporated cities and towns, and to provide for the election, by the tax payers of fire districts in unincorporated towns, of a board of directors, and defining the powers and duties of such board, and to amend Section 2081 of the Revised Codes relating to the levy of taxes upon property within fire districts in unincorporated cities and towns," as being correctly Engrossed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 267, introduced by the Committee on Waterways and Navigation, being a Bill for an Act entitled, "An Act to provide for the inspection of steam boats, and all other boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana. To provide for their inspection and for the appointment of an inspector of boats, to define his duties, to provide for his compensation and to provide sailing rules for all such boats, and for the general superintendence and control of navigation by the State Board of Railroad Commissioners. And providing a penalty for the violation of any of the provisions of this Act," as being correctly engrossed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 328, introduced by Committee on Highways, a Bill for an Act to enact a General Highway Law, etc., as being correctly engrossed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 198 introduced by Committee on Live Stock and Ranges, a Bill for an Act entitled, "An Act to regulate the practice of veterinary medicine and surgery in the State of Montana, and to establish a Board of Examiners in veterinary medicine and surgery; and to define offenses committed contrary to the provisions of this Act, and providing penalties for the violation thereof," as correctly engrossed.

Also Baker from the Committee on Printing reported as follows:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 456, Substitute House Bill No. 355, beg leave to report same as correctly printed.

Also Byrnes from the Steering Committee reported as follows:

Place on General Orders just after H. B. 413, H. B. 353.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 293, introduced by Roberts, being a Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907 relating to free county High Schools,"

House Bill No. 240, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof,"

House Bill No. 324, introduced by the Committee on Appropriations, being a Bill for an Act entitled, "An Act appropriating the sum of Two Hundred and Fifty ($250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection,"

House Bill No. 66, introduced by Stevens, being a Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana of 1907, relating to investment of capital of insurance companies, beg leave to report that the same are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 269, introduced by Grubb, being a Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie for salary as Meat and Milk Inspector for Flathead County between September 18, 1906, and April 20th, 1907, in accordance with the provisions of Sections 1512, 1513, 1514, 1515, Part III, Title VII, Chapter 1, Article II of the Revised Codes of Montana, 1907;" and

House Bill No. 288, introduced by Reser being a Bill for an Act

entitled, "An Act apropriating money for the payment of lost bounty claim;" and

House Joint Memorial No. 8 introduced by Vaughan, being Memorial to Congress praying for the enactment of Legislation that will relieve the settlers on the public domain wherein their improvements were destroyed by forest fires; and

House Bill No. 130, introduced by Paul, being a Bill for an Act entitled, "An Act requiring the County Assessor to furnish certified copies of his assessment book as to all property within the limits of incorporated cities and towns and providing for his remuneration therefor," beg leave to report the same are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 12, introduced by Law, being a Bill for an Act entitled, "An Act to provide for the designation of temporary county seats and for the location of permanent county seats, in new Counties or in counties in which the permanent county seat has not been located," beg leave to report that the same is returnel herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 312, introduced by Binnard, being "A Bill for an Act entitled, an Act to enable the Board of County Commissioners of Counties of the first class to allow claims for services rendered at the special instance and request of county officers;" also

House Bill No. 186, introduced by Word, being a Bill for an Act entitled, "An Act to validate filings heretofore made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks, of copies of Articles of Incorporation or of charters or statutes under which such corporations were formed, when such copies are true and correct copies, but the same were not duly certified as such by the official custodian thereof in the Territory or State of Montana or in any other State or Territory, and providing for a second filing of such articles, charters, or statutes, and the fees to be paid therefor;" also,

Substitute House Bill No. 103, Substitute for House Bill No. 103, introduced by Fish and Game Committee, a Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of Montana of 1907, relating to the employment of a Director of the State Fish Hatchery and providing for his salary;" also,

House Bill No. 429, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expenses of the Director of the State Fish Hatchery;" also,

House Bill No. 392, introduced by P. J. Duffy, being a bill for an Act entitled, "An Act to improve the sanitary condition of Quartz Mines by providing for the proper ventilating of the same, and for protecting the lives of miners, and providing penalties for the violation of this

Act," beg leave to report that the same are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 290, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act to prohiibt the possession, sale or other disposal of toy pistols and appliances for use of blank cartirdges or caps containing explosive substance and of blank cartridges, caps, or other explosive substance intended for use in toy pistols or other such appliances;"

House Bill No. 199, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act providing for the payment of interest by the State on Bounty Claims presented and unpaid and appropriating money therefor;"

House Bill No. 234, introduced by Paul, an Act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred Sixty-five Dollars and Forty cents, turned into the treasury of the State of Montana through error by the Board of Commissioners for the insane:

House Bill No. 390, introduced by Blackburn, a Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana;"

House Joint Memorial No. 10, introduced by Tolman, a memorial to Congress praying for the enactment of legislation providing for the fencing of the Crow Indian Reservation within the State of Montana;

House Joint Memorial No. 12, introduced by Bernard, Memoralizing the Congress of the United States to create a commission whose duties it shall be to classify and segregate all agricultural lands in forest reserves in the United States: beg leave to report that the same are returned herewith properly .enrolled.

Also Byrnes from the Committee on Railroads and Transportation reported as follows:

Mr. Speaker:

Your Committee on Railroads and Transportation to whom was referred Senate Bill No. 194, introduced by Committee on Stock Growing and Grazing, being a Bill for an Act entitled, "An Act to provide for the construction of fences and cattle guards along the right of way of any railroad, and to provide for the amount of damages to be recovered from any railroad corporation for stock killed and providing penalties for the violation thereof," beg leave to report the same back to the House without recommendation.

Report adopted.

Also Kammerer from the Committee on Banks and Banking reported as follows:

Mr. Speaker:

We your Committee on Banks and Banking to whom was referred Senate Bill No. 158 introduced by Edwards, entitled, "An Act to require Banks of discount and deposits and trust companies accepting savings

deposits to treat them as such, according to the laws of Montana governing the loans and investments and reserve of savings Banks," having had the same under consideration, beg leave to report and recommend that the same be not concurred in.

Report adopted.

Also Woody from the Committee on Education reported as follows: Mr. Speaker:

We your Committe on Education to whom wase referred S. B. No. 166, a bill for an Act entitled, "An Act to prohibit the selling, giving away or drinking, upon any public schoolhouse premises, any intoxicating beverages, and prohibting their being brought upon said premises," having had the same under consideration report the said bill back to the house with the recommendation that it be concurred in.

Report adopted.

Also O'Flynn from the Committee on Insurance reported as follows: Mr. Speaker:

Your Committee on Insurance to whom was referred Senate Bill No. 201, a Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana of 1907, as amended by Senate Bill No. 96 of the Twelfth Legislative Assembly of the State of Montana, relating to the classification of insurance corporations, granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith," having had said bill under consideraton, beg leave to report same back to the house with the recommendation that the same be concurred in.

Report adopted.

MESSAGES FROM THE GOVERNOR AND SENATE.

The following communication was received from the Governor:

Executive Office, Helena, Montana, March 2, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have approved and deposited with the Secretary of State the following House measures:

House Joint Memorial No. 7, relating to the practice of polygamy.

Sub. for House Bill No. 213, relating to the carrying of concealed weapons.

House Bill No. 427, relating to the election of United States Senators.

House Bill No. 253, relating to trust deposit and security corporations.

House Joint Resolution No. 8, extending the life of the Stock Board Investigating Committee.

House Bill No. 241, deficiency appropriations, State Boiler Inspector.

Sub. for House Bill No. 339, relating to licenses.

(Signed:) EDWIN L. NORRIS,
Governor.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate refuses to concur in the House Amendments to Senate Bill No. 179, and on motion by Whiteside, duly seconded, the President was asked to appoint a Conference Committee to confer with a like Committee in the House Amendments, and the President appointed Senators Whiteside, Christopher and Leighton.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Pursuant to above communication Mr. Speaker appointed the following Conference Committee:

Woody, Donohue and Stevens.

READING OF SENATE BILLS.

S. B. No. 167 read first and second times by title only, and referred to Committee on Banks and Banking.

S. B. No. 185, read first and second times by title only, and referred to Committee on Labor.

S. B. No. 201, read first and second times by title only, and referred to Committee on Insurance.

S. B. No. 188, read first and second times by title only, and referred to Committee on State Lands.

S. B. No. 199, read first and second times by title only, and referred to Committee on Appropriations.

S. B. No. 171, read first and second times by title only, and referred to Committee on Insurance.

S. B. No. 159, read first and second times by title only, and refered to Committee on Judiciary.

S. B. No. 165 read first and second times by title only, and referred to Committee on Townships and Counties.

Alley moved as follows:

Mr. Speaker:

I move you that a committee of five members of the House to consist of three Democrats and two Republicans, and to be attended by the Sergeant at Arms, be appointed to investigate the condition of Representative P. J. Duffy of Silver Bow, and that the committee be instructed to report to the House immediately thereon.

That said committee be authorized to obtain and employ such other medical advice and assistance in connection therewith as they deem necessary or proper.

Motion prevailed.

Thereupon the chair appointed the following committee:

Blackburn, Macdonald, Donohue, Jordan and Eliel.

At this time Mr. Speaker announced that he was about to sign House Bills Nos. 288, 324, 12, 130, 66, 269 and 240, H. J. M. No. 8, H. B. Nos. 293, 312, H. J. M. No. 12, H. J. M. No. 10, H. B. Nos 390,

234, 199, 290, 429, 392, 186 and Sub. H. B. No. 103, and signed same in the presence of the House.

H. B. No. 385 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Blake, Brady, Byrnes, Ebert, Gray, Grubb, Hayes, Holt, Holter, Jacobson, Kammerer, Kirschwing, McNally, Moore of Valley, Murray, Nelson, Owenhouse, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Vaughan, Word and Mr. Speaker—33.

Noes—Asbridge, Hickey, Law, McMurry, McQuitty, O'Hern and Woody—7.

Absent and not voting—Bernard, Berry, Binnard, Blackburn, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Herbold, Hewett, Higgins, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Lissner, Macdonald, Martin, Moore of Silver Bow, Nolan, O'Flynn, Paul, Ralston, Stevens, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams—33.

Title agreed to.

H. B. No. 297 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Bernard, Brady, Byrnes, Herbold, Hickey, Holt, Holter, Kammerer, Kirschwing, Law, McMurry, McNally, McQuitty, Moore of Valley, Murray, Nolan, Owenhouse, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tuttle, Word and Mr. Speaker—32.

Noes—Gray, Grubb, Tolman and Vaughan—4.

Absent and not voting—Asbridge, Berry, Binnard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Hayes, Hewett, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Lissner, Macdonald, Martin, Moore of Silver Bow, Nelson, O'Flynn, O'Hern, Paul, Rodgers, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams and Woody—37.

Title agreed to.

REPORTS OF SELECT COMMITTEES.

The Conference Committee relative to Senate Bill No. 10, reported as follows:

Mr. Speaker:

Your Conference Committee appointed to meet a like Committee from the Senate to consider the Senate's rejection to the amendments to Senate Bill No. 10, passed by the House respectfully report back and recommend that the amendments be stricken from the bill and Senate Bill No. 10 be concurred in as originally transmitted from the Senate.

(Signed:) WOODY,
LAW,
BLAKE.

Report adopted.

The following was received from the Steering Committee:

Place on General Orders just after S. B. No. 113, H. B. Nos. 279 and 456.

BYRNES, Chairman.

THIRD READING OF HOUSE BILLS.

H. B. No. 435 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Brady, Byrnes, Dobell, Duffy of Granite, Ebert, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Holt, Holter, Jacobson, Kammerer, Kirschwing, McMurry, McNally, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Swick, Tolman, Tuttle, Vaughan, Woody, Word, Mr. Speaker—39.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Blake, Burt, Crouch, Donohue, Duffy of Silver Bow, Eliel, English, Gillis, Higgins, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, Lissner, Macdonald, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, Paul, Rodgers, Stevens, Story, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams—34.

Title agreed to.

H. B. No. 428 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Brady, Byrnes, Duffy of Granite, Ebert, Gray, Grubb, Hayes, Hickey, Holt, Holter, Jacobson, Kammerer, Kirschwing, Macdonald, McMurry, McNally, Moore of Valley, Murray, O'Hern, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Swick, Tolman, Tuttle, Vaughan, Word, Mr. Speaker—38.

Noes—None.

Absent and not voting—Berry, Binnard, Blackburn, Blake, Burt, Crouch, Dobell, Donohue, Duffy of Silver Bow, Eliel, English, Gillis, Herbold, Hewett, Higgins, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, Lissner, McQuitty, Martin, Moore of Silver Bow, Nelson, Nolan, O'Flynn, Paul, Rodgers, Stevens, Story, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody—35.

Title agreed to.

H. B. No. 267 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Binnard, Blake, Brady, Burt, Dobell, Gray, Grubb, Jacobson, Kammerer, Kirschwing, Lissner, Macdonald, McMurry, Moore of Silver Bow, Murray, Nolan, Owenhouse, Ralston, Reel, Reser, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Wheeler of Cascade, Williams and Mr. Speaker—34.

Noes—Law—1.

Absent and not voting—Baker, Berry, Blackburn, Byrnes, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Gray, Grubb, Herbold, Jacobson, Kirschwing, Murray, Nelson, son of Ravalli, Johnson of Lewis and Clark, Jordan, McNally, McQuitty, Martin, Moore of Valley, Nelson, O'Flynn, O'Hern, Paul, Rob-

erts, Rodgers, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Woody and Word—38.

Title agreed to.

H. B. No. 295 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Brady, Burt, Ebert, Gilis, Gray, Grubb, Herbold, Jacobson, Kirschwing, Murray, Nelson, Nolan, Owenhouse, Ralston, Reser, Roberts, Sarter, Slayton, Stevers, Story, Swick, Tolman, Wheeler of Cascade, Williams, Word and Mr. Speaker—31.

Noes—Law, McMurry, Schwartz and Whaley—4.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Hayes, Hewett, Hickey, Higgins, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, Macdonald, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, O'Flynn, O'Hern, Paul, Reel, Rodgers, Tuttle, Vaughan, Wheeler of Silver Bow and Woody—38.

Title agreed to.

H. B. No. 319 having been read three several times was defeated by the following vote:

Ayes—Alley, Blake, Gray, Hayes, Kammerer, Kirschwing, Lissner, McMurry, McQuitty, Rodgers, Wheeler of Cascade, Word and Mr. Speaker—13.

Noes—Asbridge, Bell, Bernard, Berry, Binnard, Brady, Burt, Crouch, Dobell, Duffy of Granite, Ebert, Grubb, Herbold, Hickey, Higgins, Jacobson, Johnson of Ravalli, Moore of Valley, Murray, Nelson, O'Hern, Owenhouse, Paul, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Whaley, Wheeler of Silver Bow and Williams—36.

Absent and not voting—Baker, Blackburn, Byrnes, Donohue, Duffy of Silver Bow, Eliel, English, Gillis, Hewett, Holt, Holter, Johnson of Lewis and Clark, Jordan, Law, Macdonald, McNally, Martin, Moore of Silver Bow, Nolan, O'Flynn, Reel, Tuttle, Vaughan and Woody—24.

H. B. No. 10 having been read three several times was passed by the following vote:

Ayes—Alley, Baker, Bell, Binnard, Blake, Byrnes, Crouch, Dobell, Duffy of Granite, Gray, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Jacobson, Kirschwing, Law, McMurry, Moore of Valley, Owenhouse, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Williams and Mr. Speaker—34.

Noes—Brady, McQuitty, Tolman, Whaley and Wheeler of Silver Bow—5.

Absent and not voting—Asbridge, Bernard, Blackburn, Burt, Donohue, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Holt, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Reel, Tuttle, Vaughan, Wheeler of Cascade, Woody and Word—34.

Title agreed to.

At this time Mr. Speaker announced that he was about to sign S. B. No. 8, an Act entitled, "An Act to amend Sections 2240, 2241, 2242, 2244, 2248 and 2249, Revised Codes of 1907, relating to the Carey Land Actt Board, and to provide for an Assistant Secretary of said Board," and signed same in the presence of the House.

Sub. H. B. No. 250 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Blake, Brady, Byrnes, Dobell, Gray, Grubb, Hayes, Herbold, Hickey, Holt, Holter, Kammerer, Kirschwing, McMurry, McQuitty, Murray, Nolan, Owenhouse, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughar Word, Mr. Speaker—36.

Noes—None.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Burt, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Hewett, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Law, Lissner, Macdonald, McNally, Martin, Moore of Silver Bow, Moore of Valley, Nelson, O'Flynn, O'Hern, Paul, Rodgers, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody—37.

Title agreed to.

H. B. No. 328 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Binnard, Blake, Burt, Crouch, Dobell, Duffy of Granite, Ebert, Gray, Grubb, Hayes, Herbold, Hickey, Holt, Holter, Kammerer, Kirschwing, Lissner, McMurry, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Owenhouse, Ralston, Reser, Roberts, Sarter, Schwartz, Slayton, Story, Swick, Tolman, Wheeler of Cascade, Word, Mr. Speaker—39.

Noes—Law—1.

Absent and not voting—Asbridge, Baker, Bernard, Berry, Blackburn, Byrnes, Donohue, Duffy of Silver Bow, Eliel, English, Gillis, Hewett, Higgins, Jacobson, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Macdonald, Martin, Nelson, Nolan, O'Flynn, O'Hern, Paul, Reel, Rodgers, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Williams, Woody—33.

Title agreed to.

H. B. No. 198 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Brady, Byrnes, Dobell, Duffy of Granite, Ebert, Gray, Grubb, Hayes, Herbold, Hickey, Higgins, Holter, Kirschwing, Moore of Valley, Owenhouse, Wheeler of Silver Bow, Woody and Mr. Speaker—23.

Noes—Blake, Burt, Jacobson, Law, McQuitty, Murray, Nelson, Ralston, Reser, Roberts, Schwartz, Slayton, Story, Swick, Tolman, Whaley, Williams and Word—18.

Absent and not voting—Berry, Binnard, Blackburn, Crouch, Donohue, Duffy of Silver Bow, Eliel, English, Gillis, Hewett, Holt, Johnson

of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Lissner, Macdonald, McMurry, McNally, Martin, Moore of Silver Bow, Nolan, O'Flynn, O'Hern, Paul, Reel, Rodgers, Sarter, Stevens, Tuttle, Vaughan, Wheeler of Cascade—32.

Title agreed to.

The following Conference report was received:

Mr. Speaker:

We, your Conference Committee, appointed to consider House Amendment to Senate Bill No. 179, introduced by Whiteside, being a bill for an Act entitled, "An Act prohibiting any person, copartnership or corporation from obstructing the waters of any navigable lake within the State of Montana, to such an extent that the public cannot have free access to the same, and regulating the handling and disposition of logs floated in and upon such navigable lake, and providing punishments for the violation of this Act," beg leave to report the same back with the recommendation that the House Amendment to said bill be stricken out, and that in lieu thereof the bill be amended as follows:

Amend Section 2 by inserting after the words "width" in line 12 the following words "of open water."

WOODY, Chairman.

Report adopted.

REPORTS OR STANDING COMMITTEES.

McNally from the Committee on Labor reported as follows:

Mr. Speaker:

Your Committee on Labor to which was referred Senate Bill 185, introduced by Edwards, entitled, "An Act for the protection of employees as members of labor organizations and to prevent the coercion of said employees not to enter into an agreement, either written or verbal, to join or become a member of any labor organization as a condition of securing or continuing employment and providing a penalty for the violation thereof," beg leave to report, that having had Senate Bill No. 185 under consideration they recommend that this bill be concurred in.

Rreport adopted.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

I have this 2nd day of March, at 2 P. M. submitted to the Governor for his consideration Substitute House Bill No. 103, Substitute for House Bill No. 103, introduced by the Fish and Game Committee, a Bill for an Act entitled, "An Act to amend Section 1986 of the Revised Codes of Montana of 1907, relating to the employment of a director of the State Fish Hatchery and providing for his salary."

House Bill No. 186, introduced by Word, a Bill for an Act entitled, "An Act to validate filings heretofore made by corporations, domestic or foreign, in the office of the Secretary of the Territory or State of Montana, and in the offices of County Clerks, of copies of articles of incorporation of charters or statutes under which such corporations were formed, when such copies are true and correct copies, but the

same were not duly certified as such by the official custodian thereof in the Territory or State of Montana, or in any other State or Territorry, and providing for a second filing of such articles, charters, or statutes, and the fees to be paid therefor."

House Bill No. 312, introduced by Binnard, a Bill for an Act entitled, "An Act to enable the Board of County Commissioners of counties of the first class to allow claims for services rendered at the special instance and request of county officers."

House Bill No. 392, introduced by P. J. Duffy, a Bill for an Act entitled, "An Act to improve the sanitary condition of quartz mines by providing for the proper ventilation of the same, and for protecting the lives of miners, and providing penalties for the violation of this Act."

House Bill No. 429, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expenses of the director of the State Fish Hatchery."

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

I have this 2nd day of March, 1911, at 2 P. M., submitted to the Governor for his consideration House Bill No. 293, introduced by Roberts, being a Bill for an Act entitled, "An Act to amend Section 926 of the Revised Codes of Montana of 1907, relating to free County High Schools."

House Bill No. 240, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

House Bill No. 324, introduced by the Committee on Appropriations, being a Bill for an Act entitled, "An Act appropriating the sum of Two Hundred and Fifty ($250.00) Dollars to pay the deficiency in the expense account of the Bureau of Child and Animal Protection."

House Bill No. 66, introduced by Stevens, being a Bill for an Act to amend Section 4114 of the Revised Codes of the State of Montana of 1907, relating to investment of capital of insurance companies."

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

I have this 2nd day of March, 1911, at 2 P. M., submitted to the Governor for his consideration, House Bill No. 269, introduced by Grubb, being a Bill for an Act entitled, "An Act appropriating money for the payment of the claim of C. F. Leslie for salary as Meat and Milk Inspector for Flathead County between September 18, 1906, and April 20th, 1907, in accordance with the provisions of Sections, 1512, 1513, 1514, 1515, Part III, Title VII, Chapter I, Article II, of the Revised Codes of Montana, 1907," and

House Bill No. 288, introduced by Reser, being a Bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims," and

House Joint Memorial No. 8, introduced by Vaughan, being Memo-

rial to Congress praying for the enactment of legislation that will relieve the settlers on the Public Domain wherein their improvements were destroyed by Forest Fires; and

House Bill, No. 130, introduced by Paul, being a Bill for an Act entitled, "An Act requiring the County Assessor to furnish certified copies of his assessment book as to all property within the limits of incorporated cities and towns and providing for his remuneration therefor.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

I have this 2nd day of March at 2 P. M. submitted to the Governor for his consideration House Bill No. 290, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act to prohibit the possession, sale or other disposal of toy pistols and appliances for use of blank cartridges or caps containing explosive substance, and of blank cartridges, caps, or other explosive substance intended for use in toy pistols or other such appliances."

House Bill No. 199, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act providing for the payment of interest by the State on Bounty Claims presented and unpaid and appropriating money therefor."

House Bill No. 234, introduced by Paul, an act appropriating money for the payment to the estate of James O'Donnell, deceased, of the sum of One Hundred sixty-five dollars and forty cents, turned in to the treasury of the State of Montana through error by the Board of Commissioners for the Insane.

House Bill No. 390, introduced by Blackburn, a Bill for an Act entitled, "An Act to appropriate money for the payment of the per diem of the officers and attaches of the Twelfth Legislative Assembly of the State of Montana."

House Joint Memorial No. 10, introduced by Tolman, a Memorial to Congress praying for the enactment of legislation providing for the fencing of the Crow Indian Reservation within the State of Montana.

House Joint Memorial No. 12, introduced by Bernard, Memorializing the Congress of the United States to create a commission whose duties it shall be to classify and segregate all agricultural lands in forest reserves in the United States.

On motion of Tolman the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Tolman in the chair.

House resumed.

Mr. Speaker in the chair.

Tolman from the Committee of the Whole reported as follows: Mr. Speaker:

Your Committee of the While to whom was referred Senate Bill No. 201, a Bill for an Act entitled, "An Act to amend Section 4050 of the Revised Codes of the State of Montana of 1907, as amended by Senate Bill No. 96 of the Twelfth Legislative Assembly of the State

of Montana, relating to the classification of insurance corporations granting certain powers thereunder, and providing certain restrictions and exceptions in connection therewith," having had the same under consideration report same back to the House with the recommendation that it be concurred in.

Also having had under consideration Senate Bill No. 120, a Bill for an Act entitled, "An Act to require bonds from abstractors and to provide security to the public against errors, omissions and defects in abstracts of titles of real estate, and for the use of abstracts in evidence, and to provide a penalty for the violation thereof," report same back to the House with the recommendation that it be not concurred in.

Also having had under consideration S. B. No. 168, a Bill for an Act entitled, "An Act to amend Chapter V of Part III of Tittle VII of the Revised Codes of 1907, relating to the industry of horticulture; amending Sections 1918, 1922, 1923, 1924, 1925, 1931, 1934, 1939, 1942, 1944 and 1947; re-enacting Sections 1917, 1919, 1921, 1926, 1927, 1928, 1929, 1930, 1932, 1935, 1936, 1937, 1938, 1940, 1941, 1943 and 1946 thereof; adding a new Section numbered 1923 A; repealing Sections 1920 and 1933 thereof and re-numbering the sections in said Chapter," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 113, a Bill for an Act entitled, "An Act to legalize all warrants of counties issued and all bonds of counties issued or sold for the purpose of paying for the construction of public highways and public highway bridges," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration H. B. No. 279, a Bill for an Act entitled, "An Act to permit railroad companies to carry free, or at reduced rates persons and property in certain cases," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 456, a Bill for an Act entitled, "An Act providing for the examination by the State Examiner, of all unincorporated banks doing business within the State of Montana; prescribing the duties of the State Examiner in relation thereto and providing penalties for the violation of the provisions of this Act," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration S. J. M. No. 10, relating to the disposition of coal lands by the United States, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration H. B. No. 100, a Bill for an Act entitled, "An Act to amend Section 4423 of the Revised Codes of 1907, of the State of Montana, in relation to the ownership and disposition of certain wild animals," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 451, a Bill for an Act entitled, "An Act to amend Section 8182 of the Revised Codes of Montana, of 1907, relating to county, municipal, city and town officers,"

report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 108, an Act to provide for an additional judge for the Fourth Judicial District of the State of Montana so that there will hereafter be three judges in said district, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 413, an Act providing for conditions under which foreign mortgage and loan corporations or joint stock companies may transact business in the State of Montana, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 353, a Bill for an Act entitled, "An Act to provide for the support of persons dependent on persons convicted and sentenced to the State Prison, and prescribing the method thereof, and to provide for the payment of the same by counties other than the county wherein the State Prison is located," report same back to the House with the recommendation that it do pass.

Report of the Committee of the Whole adopted.

The hour of 11:45 o'clock A. M. having arrived the Chief Clerk called the roll and found all members present, except Duffy of Silver Bow, who subsequently appeared.

The Special Committee appointed to investigate the illness of Mr. Duffy of Silver Bow reported as follows:

Mr. Speaker:

Your Committee appointed to visit Rep. P. J. Duffy of Silver Bow, beg leave to report that in company with the Sergeant-at-Arms we proceeded to Mr. Duffy's apartments where we found him in bed, by order of his physician. The physician was out of town and we therefore made an independent examination. Mr. Duffy has an eruption on the body which we regard as urticaria. The face presents a rash which might be mistaken for measles, but in our opinion is due to a lotion containing menthol, which he has been using to allay itching. There is no fever and no constitutional symptoms. Mr. Duffy is willing and anxious to come to today's joint session, and in our opinion such a course would entail no danger to himself or any person with whom he may come in contact.

Respectfully submitted,

Macdonald, M. D., Chairman.

Report adopted.

Berry from the Committee on State Lands reported as follows:

Mr. Speaker:

We your Committee on State Lands having had under consideration Senate Bill No. 188, being a Bill for an Act entitled, "An Act to appropriate money to pay the cost of investigating the Carey Land Projects and other State Lands," beg leave to recommend that the same be concurred in.

Report adopted.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, March 2nd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Conference Committee of the Senate, who met with a like Committee from the House, regarding Senate Bill No. 10, introduced by Edwards, report that the Joint Conference Committee have agreed that the House recede from the House Amendments to Senate Bill No. 10, and the bill is herewith returned for concurrence in report.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

JOINT SESSION.

The Senate and House of Representatives convened at 12:00 o'clock Noon in Joint Assembly and were called to order by the President of the Senate.

The rolls of the Senate and House were called.

All members of the Senate were found present.

All the members of the House were found present.

The President finding a quorum of both bodies present, announced that pursuant to Section XV, Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Thos. H. Carter in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce by vivi voce vote his choice for Senator and this proceeding was followed in accordance with the requirements of the Statutes.

The President ordered the Secretary to call the roll of the Senate with the following result:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Owenhouse, Reel, Wheeler of Cascade, Word and Mr. Speaker—25.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. T. Pigott—Byrnes—1.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For George McCone—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	45
For W. G. Conrad	29
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. T. Pigott	1
For W. W. McDowell	1
For F. C. Webster	1
For George McCone	1
For C. B. Nolan	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a second ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Berry, Blackbursn, Brady, Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Owenhouse, Reel, Wheeler of Cascade, Word and Mr. Speaker—26.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter,

Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For Wm. Lindsay—Tolman—1.

For C. B. Nolan—Tuttle—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	45
For W. G. Conrad	30
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For Wm. Lindsay	1
For C. B. Nolan	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a third ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For T. M. Swindlehurst—Conrow—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Owenhouse, Reel, Tuttle, Wheeler of Cascade, Word and Mr. Speaker—27.

For T. H. Carter, Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For E. K. Cheadle—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	45
For W. G. Conrad	31
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For E. K. Cheadle	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a fourth ballot, as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For T. J. Walsh—Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—7.

For W. G. Conrad—Cockrell, Conrow, Gallwey, Muffly and Whiteside—5.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Owenhouse, Reel, Tuttle, Wheeler of Cascade, Word and Mr. Speaker—27.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. R. Allen—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	20
For T. H. Carter	45
For W. G. Conrad	32
For W. R. Allen	2

For W. W. McDowell 1
For F. C. Webster 1

Total 101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a fifth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Conrow, Gallwey, Leary and Muffly —5.

For T. J. Walsh—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—8.

For W. G. Conrad—Cockrell, Gallwey, Muffly and Whiteside—4.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Asbridge, Binnard, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow and Woody—13.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Byrnes, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Owenhouse, Reel, Tuttle, Wheeler of Cascade, Word and Mr. Speaker—27.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For Geo. Benninghoff—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	21
For T. H. Carter	45
For W. G. Conrad	31
For W. R. Allen	1
For F. C. Webster	1
For W. W. McDowell	1
For Geo. Benninghoff	1
Grand total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a sixth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Ed-

wards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. R. Allen—McCone—1.

For C. S. Hartman—Dearborn, Duncan, George, Groff, McCarthy and Stout—6.

For W. T. Pigott—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For T. J. Walsh—Johnson of Ravalli—1.

For W. G. Conrad—Alley, Baker, Berry, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, Martin, Nolan, O'Flynn, Reel, Whaley, Wheeler of Cascade, Word and Mr. Speaker—24.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For C. S. Hartman—Asbridge, Binnard, Donohue, Kirschwing, Law, McMurray, McQuitty, Moore of Silver Bow, O'Hern, Owenhouse, Tuttle, Wheeler of Silver Bow and Woody—13.

For W. W. McDowell—Blackburn, Dobell—2.

For W. T. Pigott—Byrnes—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. J. Walsh	1
For T. H. Carter	45
For W. G. Conrad	29
For C. S. Hartman	19
For W. R. Allen	1
For W. T. Pigott	2
For W. W. McDowell	2
For F. C. Webster	1
For W. F. Meyer	1
Grand total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a seventh ballot as follows:

For T. H. Carter—Burligame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey, Leary and Muffly—4.

For T. M. Swindlehurst—Conrow—1.

For C. S. Hartman—Dearborn, Duncan, George, Groff, McCarthy and Stout—6.

For W. R. Allen—McCone—1.

For W. T. Pigott—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing Law, McMurray, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Wheeler of Silver Bow and Woody —16.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Whaley, Wheeler of Cascade, Word and Mr. Speaker—24.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	28
For C. S. Hartman	22
For T. M. Swindlehurst	1
For W. R. Allen	1
For W. T. Pigott	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Grand total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for an eighth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey, Leary and Muffly—4.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, McCarthy, Stout and Whiteside—8.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Binnard, Byrnes, Donohue, Herbold,

Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Wheeler of Silver Bow and Woody—16.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Whaley, Wheeler of Cascade, Word and Mr. Speaker—24.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	28
For C. S. Hartman	24
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a ninth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Wheeler of Silver Bow and Woody—16.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, Martin, O'Flynn, Reel, Whaley, Wheeler of Cascade, Word and Mr. Speaker—24.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	27
For C. S. Hartman	25
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a tenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Wheeler of Silver Bow and Woody—17.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Whaley, Wheeler of Cascade, Word and Mr. Speaker—23.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	26
For C. S. Hartman	26
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for an eleventh ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Wheeler of Silver Bow and Woody—17.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Whaley, Wheeler of Cascade, Word and Mr. Speaker—23.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Rorberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	26
For C. S. Hartman	26
For W. R. Allen	1

For W. W. McDowell..... 1
For F. C. Webster..... 1
For W. F. Meyer..... 1

Total..... 101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twelfth ballot, as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Berry, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—19.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	24
For C. S. Hartman	28
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a thirteenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Ed-

wards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Berry, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—20.

For W. G. Conrad—Alley, Baker, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—20.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	23
For C. S. Hartman	29
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a fourteenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Berry, Binnard. Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenshouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—19.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonlad, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	24
For C. S. Hartman	28
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a fifteenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Berry, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—19.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally.

O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. G. Conrad	24
For C. S. Hartman	28
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a sixteenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Berry, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—19.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For C. S. Hartman	28
For W. G. Conrad	24
For W. R. Allen	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a seventeenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Berry, Binnard, Byrnes, Donohue, Hayes, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—20.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—20.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For C. S. Hartman	29
For W. G. Conrad	23
For W. R. Allen	1
For W. W. McDowell	1

For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for an eighteenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrel, Gallwey and Muffly—3.

For C. S. Hartman—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy and Stout—8.

For W. R. Allen—McCone—1.

For W. T. Pigott—Whiteside—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Asbridge, Berry, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—19.

For W. G. Conrad—Alley, Baker, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For C. S. Hartman	27
For W. G. Conrad	24
For W. R. Allen	1
For W. T. Pigott	1
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the

Secretary to call the roll of the Senate for a nineteenth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For C. S. Hartman—George and McCarthy—2.

For W. R. Allen—McCone—1.

For W. B. George—Conrow, Dearborn, Duncan, Groff, Leary, Stout and Whiteside—7.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. S. Hartman—Martin—1.

For W. G. Conrad—Alley, Baker, Berry, Blackburn, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—21.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. W. McDowell—Dobell—1.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

For W. B. George—Asbridge, Binnard, Byrnes, Donohue, Herbold, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—18.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. B. George	25
For W. G. Conrad	24
For W. R. Allen	1
For C. S. Hartman	3
For W. W. McDowell	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twentieth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For T. M. Swindlehurst—George—1.

For W. R. Allen—McCone—1.

For W. B. George—Conrow, Dearborn, Duncan, Groff, Leary, Stout and Whiteside—7.

For C. S. Hartman—McCarthy—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For W. B. George—Asbridge, Berry, Binnard, Blackburn, Brady, Byrnes, Dobell, Donohue, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—21.

For W. G. Conrad—Alley, Baker, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—19.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

C. S. Hartman—Martin—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. B. George	28
For W. G. Conrad	22
For C. S. Hartman	2
For W. R. Allen	1
For T. M. Swindlehurst	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twenty-first ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. B. George—Conrow, Dearborn, Duncan, Groff, Leary, Stout and Whiteside—7.

For T. M. Swindlehurst—George—1.

For C. S. Hartman—McCarthy—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For W. B. George—Asbridge, Berry, Binnard, Blackburn, Byrnes, Dobell, Donohue, Herbold, Johnson of Ravalli, Kirschwing, Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow, and Woody—22.

For W. G. Conrad—Alley, Baker, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—19.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. B. George	29
For W. G. Conrad	22
For C. S. Hartman	1
For W. R. Allen	1
For T. M. Swindlehurst	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twenty-second ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. B. George—Conrow, Dearborn, Duncan, Groff, Leary, Stout and Whiteside—7.

For W. M. Johnson—George—1.

For C. S. Hartman—McCarthy—1.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For W. B. George—Asbridge, Berry, Binnard, Blackburn, Brady, Byrnes, Dobell, Donohue, Herbold, Johnson of Ravalli, Kirschwing,

Law, McMurry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—23.

For W. G. Conrad—Alley, Baker, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Johnson of Lewis and Clark, Kammerer, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, Word and Mr. Speaker—18.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

	Votes.
For T. H. Carter	45
For W. B. George	30
For W. G. Conrad	21
For C. S. Hartman	1
For W. M. Johnson	1
For W. R. Allen	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twenty-third ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Cockrell, Gallwey and Muffly—3.

For W. B. George—McCarthy—1.

For C. B. Nolan—Conrow, Dearborn, Duncan, George, Groff, Leary, Stout and Whiteside—8.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. B. Nolan—Asbridge, Berry, Binnard, Blackburn, Brady, Byrnes, Dobell, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—20.

For W. G. Conrad—Alley, Baker, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel and Mr. Speaker—18.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray,

Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For F. C. Webster—Higgins—1.

For Geo. McCone—Tolman—1.

For W. B. George—Martin and Nolan—2.

For D. L. O'Hern—Wheeler of Cascade—1.

Total—73.

The President of the Senate thereupon announced the following result:

For T. H. Carter	45
For W. B. George	3
For W. G. Conrad	21
For C. B. Nolan	28
For W. R. Allen	1
For F. C. Webster	1
For George McCone	1
For D. L. O'Hern	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twenty-fourth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Muffly—1.

For W. W. McDowell—Cockrell, Gallwey—2.

For C. B. Nolan—Conrow, Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout and Whiteside—9.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. B. Nolan—Asbridge, Baker, Berry, Binnard, Byrnes, Donohue, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—18.

For W. W. McDowell—Alley, Blackburn, Dobell—3.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. G. Conrad—Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, McNally, O'Flynn, Reel, Wheeler of Cascade and Mr. Speaker—16.

For F. C. Webster—Higgins—1.

For J. E. Erickson—Law and Macdonald—2.

For W. B. George—Martin and Nolan—2.

For E. K. Cheadle—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

For T. H. Carter	45
For C. B. Nolan	27
For W. G. Conrad	17
For W. W. McDowell	5
For W. R. Allen	1
For F. C. Webster	1
For J. E. Erickson	2
For W. B. George	2
For E. K. Cheadle	1
Total	101

The President of the Senate thereupon announced no election.

Edwards moved that the Joint Assembly do now dissolve sine die and retire from the Hall of the House.

Upon roll call the motion to adjourn sine die was lost by the following vote:

Ayes—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McCone, McDonnell, Meyer, Selway, Survant, Sykes, Tooley, Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan Kammerer, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, and Williams—48.

Noes—Cockrell, Conrow, Dearborn, Duncan, Gallwey, George, Groff, Leary, McCarthy, Muffly, Stout, Whiteside, Alley, Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Higgins, Johnson of Ravalli, Johnson of Lewis and Clark, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—53.

The President thereupon directed the Secretary to call the roll of the Senate for a twenty-fifth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. W. McDowell—Cockrell, Conrow and McCarthy—3.

For C. B. Nolan—Dearborn, Duncan, George, Groff, Leary, Stout and Whiteside—7.

For W. G. Conrad—Gallwey and Muffly—2.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. B. Nolan—Asbridge, Baker, Berry, Binnard, Byrnes, Donohue, Herbold, Johnson of Ravalli, Kirschwing, McMurry, McQuitty, Moore of Silver Bow, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow, Woody and Word—19.

For W. W. McDowell—Blackburn, Dobell, Macdonald, O'Flynn—4.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For W. G. Conrad—Alley, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Johnson of Lewis and Clark, Kammerer, Lissner, McNally, Reel, Wheeler of Cascade and Mr. Speaker—15.

For F. C. Webster—Higgins—1.

For W. B. George—Martin and Nolan—2.

For E. K. Cheadle—Tolman—1.

For W. S. Hartman—Law—1.

Total—73.

The President of the Senate thereupon announced the following result:

For T. H. Carter	45
For C. B. Nolan	26
For W. W. McDowell	7
For W. G. Conrad	17
For W. R. Allen	1
For W. B. George	2
For F. C. Webster	1
For W. S. Hartman	1
For E. K. Cheadle	1
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twenty-sixth ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlon, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For W. G. Conrad—Gallwey and Muffly—2.

For W. W. McDowell—Cockrell—1.

For C. B. Nolan—Conrow, Duncan, Groff, Leary and Whiteside—5.

For W. S. Hartman—Dearborn—1.

For T. J. Walsh—George—1.

For C. S. Hartman—McCarthy and Stout—2.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For C. B. Nolan—Baker, Berry, Byrnes, Johnson of Ravalli, McMurry and Word—6.

For W. G. Conrad—Alley, Brady, Crouch, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Herbold, Johnson of Lewis and Clark, Kammerer, Lissner, McNally, Reel, Wheeler of Cascade and Mr. Speaker—15.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For D. L. O'Hern—Blackburn—1.

For W. W. McDowell—Dobell—1.

Tor T. J. Walsh—McQuitty—1.

For F. C. Webster—Higgins—1.

For W. S. Hartman—Asbridge, Binnard, Donohue, Hayes, Kirschwing, Law, Macdonald, Martin, Moore of Silver Bow, O'Hern, Owenhouse, Tuttle, Whaley, Wheeler of Silver Bow and Woody—15.

For Ronald Higgins—Nolan—1.

For R. L. Word—O'Flynn—1.

For E. K. Cheadle—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

For T. H. Carter	45
For C. B. Nolan	11
For W. G. Conrad	17
For W. R. Allen	1
For W. W. McDowell	2
For W. S. Hartman	16
For C. S. Hartman	2
For D. L. O'Hern	1
For F. C. Webster	1
For Ronald Higgins	1
For R. Lee Word	1
For E. K. Cheadle	1
For T. J. Walsh	2
Total	101

The President thereupon announced no election and directed the Secretary to call the roll of the Senate for a twenty-seventh ballot as follows:

For T. H. Carter—Burlingame, Christopher, Donlan, Dunnigan, Edwards, Everett, Kessler, Larson, Leighton, McDonnell, Meyer, Selway, Survant, Sykes and Tooley—15.

For H. L. Myers—Cockrell, Conrow, Dearborn, Duncan, Gallwey, George, Groff, Leary, McCarthy, Muffly, Stout and Whiteside—12.

For W. R. Allen—McCone—1.

Total—28.

The President ordered the Chief Clerk of the House to call the roll with the following result:

For H. L. Myers—Alley, Asbridge, Baker, Berry, Binnard, Blackburn, Brady, Byrnes, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Ravalli, Johnson of Lewis and Clark, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Flynn, O'Hern, Owenhouse, Reel, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—41.

For T. H. Carter—Bell, Bernard, Blake, Burt, Eliel, English, Gray, Grubb, Hewett, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Murray, Nelson, Paul, Ralston, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Vaughan and Williams—30.

For F. C. Webster—Higgins—1.

For W. F. Meyer—Tolman—1.

Total—73.

The President of the Senate thereupon announced the following result:

For T. H. Carter	45
For Henry L. Myers	53
For W. R. Allen	1
For F. C. Webster	1
For W. F. Meyer	1
Total	101

Henry L. Myers having thus received a majority of all votes cast in both the Senate and the House, Mr. President then announced that the Honorable Henry L. Myers was duly elected United States Senator from the State of Montana to succeed Honorable Thomas H. Carter, whose term expires March 4th, 1911.

Pursuant to the result of the 27th ballot of the Joint Assembly for the election of a United States Senator, the following communication was submitted to the Governor:

Helena, Montana, March 2nd, 1911.

To His Excellency,
Edwin L. Norris,
Governor of Montana,
Helena, Montana.

This will certify that at a Joint Assembly of the Legislative Assembly of the State of Montana, held in pursuance of law, for the purpose of electing a Senator in the Congress of the United States, said Joint Assembly having been held on this the second day of March, 1911, Hon. Henry L. Myers received a total of Fifty-three (53) votes, the same being a majority of all members of the Joint Assembly, whereupon the said Henry L. Myers was, by the President of the Joint Assembly declared to be elected as Senator in the Congress of the United States to represent the State of Montana for the term of six years, commencing Mach 4, 1911, and ending March 4, 1917.

In testimony whereof, we the undersigned, officers of the Senate

and House of the Twelfth Legislative Assembly of the State of Montana have hereunto fixed our hands, this day and year first above written.

W. R. ALLEN,
President of the Senate.
NATHAN GODFREY,
Secretary of the Senate.
W. W. McDOWELL,
Speaker of the House.
FINLAY McRAE,
Chief Clerk of the House.

On motion of Senator Donlan, the Joint Assembly was dissolved sine die and the Honorable Senate retired from the hall of the House.

HOUSE RESUMED.

Mr. Speaker in the chair.

On motion of Law the House took a recess at 7:30 o'clock P. M. until 10:00 o'clock P. M.

EVENING SESSION.

House reassembled at 10:00 o'clock P. M.

Mr. Speaker in the chair.

Roll called. Quorum present.

REPORTS OF STANDING COMMITTEES.

The following report was received from the Steering Committee: Chief Clerk, House of Representatives.

Report S. B. No. 57 for General Orders after S. B. No. 188.

(Signed) BYRNES, Chairman.

Blackburn from the Committee on Appropriations reported as follows:

Mr. Speaker:

We your Committee on Appropriations, to whom was referred Senate Bill No. 188, being a Bill for an Act entitled, "An Act to appropriate money to pay the cost of investigating the Carey Land projects and other State Lands," beg leave to report that after having had the same under consideration recommend that it be concurred in.

Report adopted.

Also Asbridge, McMurry and Brady from the Joint Committee appointed to investigate the Board of Stock Commissioners reported as follows:

Mr. Speaker:

We, your Joint Committee appointed to investigate the affairs of the State Board of Stock Commissioners, beg leave to submit herewith a preliminary report, as follows:

We organized on the 19th day of January, 1911, and employed an Attorney and an Accountant to assist us in the investigation. Thereafter they were made officers of the State under the terms of Senate Bill No. 99 and have been engaged in examining the details of affairs of said office. Owing to the very large volume of work to be performed, it will require several months to complete the investigation. We have taken certain testimony and examined records, books and

other documentary evidence connected with the office of the State Board of Stock Commissioners, but deem it not best for the public interest to disclose at this time our conclusions therefrom.

Provisions have been made by joint resolution for meetings of the committee during the next six months and a detailed report made by them to the Governor. It is the intention of the committee to see that a thorough, full and impartial investigation of all of the transactions of the State Board of Stock Commissioners is made and the responsibility for any irregularities or defalcations that may have occurred in said office to be fixed. From the information which we have gathered, we are of the opinion that the Legislature was fully justified in requiring a most thorough investigation of that office, and such investigation will be completed and our report in detail filed at the earliest possible moment.

Report adopted.

Also Wheeler of Silver Bow from the Committee on Judiciary reported as follows:

Mr. Speaker:

We your Committee on Judiciary having had under consideration Senate Bill No. 159, beg leave to report the same back to the House with the recommendation that the same be concurred in.

Report adopted.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 10, House Substitute Bill No. 10, introduced by Judiciary Committee, being a Bill for an Act to amend Section 3118 of the Revised Codes of Montana of 1907, as amended by an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana and compensation of Deputies and County Officers and Assistants," approved March 5th, 1909, as being correctly engrossed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 319, introduced by Byrnes, a Bill for an Act entitled, "An Act providing for the issuance of permits by the State Game and Fish Warden or Deputy State Game and Fish Wardens, to persons desiring to trap, etc.," as being correctly engrossed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 108, introduced by Higgins, "An Act to provide for an Additional Judge for the Fourth Judicial District of the State of Montana so that there will hereafter be three judges in said district;" and

House Bill ..o. 413, introduced by Word, by request, a Bill for an act entitled, "An Act providing the conditions under which foreign

mortgage and loan corporations or joint stock companies may transact business in the State of Montana;" and

House Bill No. 100, introduced by Gray, a Bill for an Act entitled, "An Act to amend Section 4423 of the Revised Codes of 1907, of the State of Montana, in relation to the ownership and disposition of certain wild animals," as correctly engrossed.

Also Martin from the Committee on Engrossment reported as follows:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 451, introduced by Woody, a Bill for an Act entitled, "An Act to amend Section 8182 of the Revised Codes of Montana of 1907, relating to County, Municipal, City and Town Officers;" and

House Bill No. 279, introduced by Gillis, a Bill for an Act entitled, "An Act to permit railroad companies to carry free, or at reduced rates, persons and property in certain cases;" and

House Bill No. 456, Sub. Senate Bill No. 124, introduced by Committee on Banks and Banking, a Bill for an Act entitled, "An Act providing for the examination by the State Examiner of all unincorporated banks doing business within the State of Montana; prescribing the duties of the State Examiner in relation thereto, and providing penalties for the violation of the provisions of this Act," as correctly engrossed.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 228, introduced by Berry, a Bill for an Act to amend Sections 8, 10, 22, 23, 53, 54, 55, 56, 57, 61, of Chapter 147 of the Montana Session Laws of 1909. An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Mon-Montana, including sale and rental thereof, and the management, protection, and disposition of the timber growing thereon and the coal, oil and mineral therein; providing for the management and control of the funds realized from the sale and rental of state lands and the products thereof; naming andp roviding for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for the use upon state lands; and defining and providing for the punishment of certain offenses for violating the provisions of this Act; and

House Bill No. 289, introduced by Bernard, a Bill for an Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith, beg leave to report said bills are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 34, introduced by Donohue, a Bill for an Act entitled, "An Act

forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health, with relation to food and drugs, their inspection, purity and misbranding; constituting local and county health officers, local and county food inspectors, regulating the purity of milk and directing the manner in which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to secure a license, without cost, from the State Board of Health, providing for a chemist to the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of the provisions of this Act, and repealing Acts and parts of Acts in conflict herewith; beg leave to report that the same is returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 426, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act authorizing and directing the transfer of certain moneys in the General Fund to the Maintenance Account of certain State Institutions;"

House Bill No. 105, introduced by B. B. Law, a Bill for an Act entitled, "An Act appropriating money for the erection of green houses and farm buildings at the Montana Agricultural Experiment Station at Bozeman;"

House Joint Memorial No. 6, introduced by Byrnes, requesting the Congress of the United States to take steps to prohibit the changing of the old names of Montana's mountains and streams;

Substitute for House Bill No. 13, introduced by McNally, a Bill for "An Act in aid of the disability fund of fire departments in incorporated cities for the relief of sick, injured and retired firemen, and the pensioning of the widows and orphans of the deceased firemen, and assigning to said fund certain portions of the licenses derived by the State from fire insurance companies doing business within the State;"

House Bill No. 274, introduced by Joint Committee appointed pursuant ot Senate Joint Resolution No. 2, for the purpose of investigating and reporting with respect to the advisability of the state making provision for the care of its insane, a Bill for an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of the constitutional limit and to provide for the issuance of bonds in the name of the State for the purchase of the property of Mitchell & Musigbrod, located in Deer Lodge County, Montana, such property to be used for the care of the State's indigent insane, and others in need of hospital attention and treatment, all in accordance with the report

of the Joint Committee appointed pursuant to Senate Joint Resolution No. 2;"

House Bill No. 133, introduced by Tuttle, a Bill for an Act to appropriate money for certain repairs and improvements at the Montana School for the deaf and blind at Boulder, Montana; beg leave to report that the same are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 121, introduced by Donohue, being a Bill for an Act entitled, "An Act to regulate the manufacture and sale of dairy products and imitation dairy products in the State of Montana. Defining dairy products and imitation dairy products; providing for a dairy specialist in the Montana State Agricultural College, appropriating moneys therefor, and definnig his duties, and providing penalties for the violation of the provisions of this Act;" and

House Bill No. 343, introduced by Story, a Bill for an Act entitled, "An Act to appropriate money to pay the expenses of the members of the Twelfth Legislative Assembly and Committees thereof, in investigating the condition and value of the property of Mitchell & Musigbrod used in the care of the insane of the State of Montana," beg leave to rpeort that the same are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Bill No. 391, introduced by the Committee on Ways and Means, a Bill for an Act entitled, "An Act to provide for the support of the government of the State of Montana, for the years 1911 and 1912."

House Bill No. 200, introduced by O'Hern, a Bill for an Act entitled, "An Act to amend Section 7027 of the Revised Codes of Montana, of 1907, relating to undertakings on attachments in justice of the peace courts and to exceptions to the sufficiency of the sureties on the undertakings."

House Bill No. 376, introduced by Paul, a Bill for an Act entitled, "An Act to pay employees of the Senate and House as provided in Sections 76 and 81 of the Revised Codes of Montana of 1907."

House Bill No. 31, introduced by Nolan, a Bill for an Act empowering the Board of Directors of the Montana State Fair to acquire certain land for the use of the State Fair.

House Bill No. 352, introduced by Rodgers, a Bill for an Act entitled, "An Act to provide that State Officials shall receive only their actual traveling expenses, and to provide for the payment of the expenses of district judges incurred on account of holding court in counties other than the counties where they reside."

House Bill No. 431, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the pay-

ment of deficiency claims of the State Prison during the year ending March 1, 1911."

House Bill No. 421, introduced by Committee on Appropriations, "An Act appropriatnig money for the payment of deficiency claims for the maintenance of the National Guard and Expense of Adjutant General's office, authorized by the State Board of Examiners," beg leave to report that the same are returned herewith correctly enrolled.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

I have this 2nd day of March, at 11 o'clock submitted to the Governor for his consideration House Bill No. 34, introduced by Donohue, a Bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health, with relation to foods and drugs, their inspection, purity and misbranding; constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to secure a license, without cost, from the State Board of Health, providing for a Chemist to the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of the provisions of this Act, and repealing Acts and parts of Acts in conflict herewith."

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

I have to report that at 11 o'clock this 2nd day of March, 1911, I presented to the Governor for his consideration House Bill No. 228, introduced by Berry, "A Bill for an Act to amend Sections 8, 10, 22, 23, 53, 54, 55, 56, 57, 61 of Chapter 147 of the Montana Session Laws of 1909, an Act providing for the management and control of the lands now owned or hereafter to be acquired by the State of Montana, including sale and rental thereof, and the management, protection, and disposition of the timber growing thereon and coal oil and mineral therein, providing for the management and control of the funds realized from the sale and rental of state lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners, and prescribing their duties and compensation; providing for the acquisiton of water rghts for the use upon state lands; and defining and providing for the punishment of certain offenses for violatnig the provisions of this Act."

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

I have this 2nd day of March, at 11 o'clock submitted to the Governor for his consideration House Bill No. 121, introduced by Donohue, a Bill for an Act entitled, "An Act to regulate the manufacture and sale of dairy products and imitation dairy products in the State of Montana, defining dairy products and imitation dairy products; providing for a dairy specialist in the Montana State Agricultural College, appropriating moneys therefor and defining his duties, and providing penalties for the violation of the provisions of this Act."

House Bill No. 289, introduced by Bernard, "A Bill for an Act to appropriate money for the purchase and erection of a suitable tablet and monument to the memory of former Governor Robert B. Smith."

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

I have this 2nd day of March, at 11 o'clock submitted to the Governor for his consideration House Bill No. 426, introduced by Committee on Appropriations, House Bill No. 105, introduced by B. B. Law, House Joint Memorial No. 6, introduced by Byrnes, Substitute for House Bill No. 13, introduced by McNally, House Bill No. 274, introduced by Joint Committee appointed pursuant to Senate Joint Resolution No. 2 for the purpose of investigating and reporting with respect to the advisability of the State, making provision for the care of its insane, and House Bill No. 133, introduced by Tuttle.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

I have this second day of March at 11 P. M. delivered to the Governor for his consideration House Bill No. 391 introduced by the Committee on Ways and Means, a Bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana for the years 1911 and 1912."

House Bill No. 352, introduced by Rodgers, a Bill for an Act entitled, "An Act to provide that State Officials shall receive only their actual traveling expenses, and to provide for the payment of the expenses of District Judges, incurred on account of holding court in counties other than the counties where they reside."

House Bill No. 31, introduced by Nolan, a Bill for an Act empowering the Board of Directors of the Montana State Fair to acquire certain land for the use of the State Fair.

House Bill No. 200, introduced by O'Hern, a Bill for an Act entitled, "An Act to amend Section 7027 of the Revised Codes of Montana of 1907, relating to undertakings on attachments in justice of the peace courts and to exceptions to the sufficiency of the sureties on the undertakings."

House Bill No. 376, introduced by Paul, a Bill for an Act entitled, "An Act to pay employees of the Senate and House as provided in Sec-

tions 76 and 81 of the Revised Codes of Montana of 1907."

House Bill No. 431, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the State Prison during the year ending March 1, 1911."

House Bill No. 421, introduced by Committee on Appropriations, "An Act appropriating money for the payment of deficiency claims, the maintenance of the National Guard and expense of Adjutant General's office, authorized by the State Board of Examiners."

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

I have to report that at 11 o'clock this 2nd day of March, 1911, I presented to the Governor for his consideration House Bill No. 12 introduced by Law, a Bill for an Act entitled, "An Act to provide for the designation of temporary county seats and for the location of permanent county seats in new counties or in counties in which the permanent county seat has not been located."

Mr. Speaker at this time announced that he was about to sign S. B. Nos. 104, 128, 98 and 132 and signed same in the presence of the House.

MESSAGES FROM THE GOVERNOR AND SENATE.

The folowing communication was received from the Governor:

Executive Office, Helena, Montana, March 2, 1911.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have this day approved and deposited with the Secretary of State the following House measures:

House Bill No. 205, relating to special improvement warrants.

House Bill No. 148, relating to taxation of insurance companies on excess premiums.

House Bill No. 240, appropriation to pay certain bounty claims.

House Bill No. 324, deficiency appropriation Bureau Child and Animal Protection.

House Bill No. 390, appropriation for per diem of officers and attaches of the Twelfth Assembly.

House Bill No. 429, deficiency appropriation for State Fish Hatchery.

House Bill No. 290, prohibiting the sale of toy pistols.

House Bill No. 66, relating to investment of capital of insurance companies.

House Joint Memorial No. 8, for relief of settlers on the public domain.

House Joint Memorial No. 10, for the fencing of the Crow Indian Resrevation.

House Joint Memorial No. 12, for a commission to classify and segregate agricultural lands in forest reserves.

House Bill No. 130, requiring county assessors to furnish certified copies of assessment books.

House Bill No. 293, relating to free county high schools.

EDWIN L. NORRIS, Governor.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 267, introduced by Committee on Waterways and Navigation, was this day introduced, read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

Also House Bill No. 456, introduced by Committee on Banks and Banking, was this day introduced, read first and second times and referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that:

House Bill No. 426, by Committee on Appropriations.

House Bill No. 431, by Committee on Appropriations.

House Bill No. 421, by Committee on Appropriations.

House Bill No. 352, by Rodgers.

House Bill No. 133, by Tuttle.

House Bill No. 391, by Committee on Ways and Means.

House Bill No. 274, by Joint Committee appointed pursuant to Senate Joint Resolution No. 2, for the purpose of investigating and reporting with respect to the advisability of the State making provisions for the care of its Insane.

House Bill No. 376, by Paul.

House Bill No. 31, by Nolan.

House Bill No. 289, by Binnard.

House Bill No. 200, by O'Hern.

House Bill No. 105, by Law, and

House Joint Memorial No. 6, by Byrnes, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills were this day introduced, read first and second times and referred:

House Joint Memorial No. 15, by Nolan, Judiciary Committee.

House Bill No. 432, by Martin, Counties, Towns and Municipal Corporations.

House Bill No. 417, by O'Hern, Counties, Towns and Municipal Cor-

porations.

House Bill No. 415, by O'Hern, Counties, Towns and Municipal Corporations.

House Bill No. 358, by O'Hern, Counties, Towns and Municipal Corporations.

House Bill No. 343, by Story, Finance and Claims.

House Bill No. 418, by Blackburn, Finance and Claims.

House Bill Substitute No. 139, by Committee Live Stock and Public Ranges, referred to Committee on Stock Growing and Grazing.

House Bill No. 395, by Blackburn, Corporations other than Municipal.

House Bill No. 372, by Holter, Committee on Mines and Mining.

House Bill No. 416, by Committee on Live Stock and Public Ranges, referred to Committee on Finance and Claims.

House Bill No. 408, by Story, Committee on Finance and Claims.

House Bill No. 424, by Committee on Appropriations, referred to Committee on Finance and Claims.

House Bill No. 440, by Committee on Appropriations, referred to Committee on Finance and Claims.

House Bill No. 273, by Nolan, referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 320, by McQuitty, referred to Committee on Fish and Game.

Substitute House Bill No. 62, by Committee on Fish and Game, referred to Committee on Fish and Game.

House Bill No. 425, by Committee on Appropriations, referred to Committee on Finance and Claims.

House Bill No. 409, by Gray, referred to Committee on Public Lands.

House Bill No. 346, by Word, referred to Committee on Counties, Towns and Municipal Corporations.

House Bill No. 430, by Committee on Appropriations, referred to Committee on Finance and Claims.

House Bill No. 77, by Byrnes, referred to Committee on Insurance.

Substitute for House Bill No. 109, by Jordan, referred to Committee on Counties, Towns and Municipal Corporations.

House Joint Memorial No. 3, by Slayton, referred to Committee on Fish and Game.

House Bill No. 143, by O'Flynn, referred to Committee on Corporations other than Municipal.

House Bill No. 397, by Committee on Appropriations, referred to Committee on Finance and Claims.

House Bill No. 336, by O'Flynn, referred to Judiciary Committee.

House Bill No. 296, by Stevens, referred to Judiciary Committee.

House Bill No. 275, by Dobell, referred to Committee on Fish and Game.

Substitute House Bill No. 454, substituting House Bills Nos. 368

and 365, referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Senate Bill No. 8, House Bill Nos. 429, 392, 312, 290, 324, 288, 293, House Joint Memorial No. 8, House Bill Nos. 199, 130, 390, House Joint Memorial Nos. 10 and 12, House Bills Nos. 234, 66, 269 and 240, Senate Bills Nos. 132, 98, 129, 104, and same were signed in open Session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

On motion of Tolman the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Tolman in the chair.

House resumed.

Mr. Speaker in the chair.

Tolman from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom were referred Senate Amendments to H. B. No. 242, having had same under consideration beg leave to report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Senate Amendments to H. B. No. 190, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Senate Amendments to H. B. No. 164, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Senate Amendments to H. B. No. 129, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration Senate Amendments to H. B. No. 211, report same back to the House with the recommendation that they be concurred in.

Also having had under consideration S. B. No. 57, a Bill for an Act to amend Chapter, IV, Title XIV, of the Revised Codes of Montana entitled, "Miscellaneous Lien," by adding thereto Sections 5818-a, 5818-b, 5818-c, 5818-d, 5818-e, in relation to seed liens and the enforcement thereof, report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 188, a Bill for an Act entitled, "An Act to appropriate money to pay the cost of investigating the Carey Land projects and other State lands," report same

back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 120, a Bill for an Act entitled, "An Act to require bonds from abstractors and to provide security to the public against errors, omissions and defects in abstracts of title of real estate, and for the use of abstracts in evidence, and to provide a penalty for the violation thereof," report same back to the House with the recommendation that it be not concurred in.

Report of the Committee of the Whole adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 108, having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Bernard, Berry, Blackburn, Blake, Brady, Byrnes, Dobell, Ebert, Gray, Grubb, Hickey, Higgins, Holt, Jacobson, Slayton, Swick, Tolman, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Woody, Word and Mr. Speaker—26.

Noes—Burt, Holter, Moore of Valley, Nelson, Ralston, Reser, Roberts, Sarter, Schwartz, Stevens, Whaley and Williams—12.

Absent and not voting—Baker, Binnard, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Hayes, Herbold, Hewett, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Murray, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Rodgers, Story, Tuttle—35.

Title agreed to.

H. B. No. 413 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Blackburn, Blake, Brady, Burt, Byrnes, Dobell, Ebert, Gray, Grubb, Hayes, Hickey, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Macdonald, Moore of Valley, Murray, Nelson, Ralston, Reel, Reser, Roberts, Rodgers, Sarter, Schwartz, Slayton, Swick, Vaughan, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—38.

Noes—McMurry and Whaley—2.

Absent and not voting—Berry, Binnard, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Herbold, Hewett, Higgins, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Lissner, McNally, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Stevens, Story, Tolman, Tuttle, Wheeler of Cascade and Woody—33.

Title agreed to.

H. B. No. 100 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Bernard, Brady, Burt, Byrnes, Dobell, Donohue, Gray, Grubb, Hayes, Hickey, Higgins, Holt, Holter, Johnson of Lewis and Clark, Macdonald, Murray, Nelson, Ralston, Reel, Roberts Sarter, Schwartz, Slayton, Tolman, Vaughan, Wheeler of Cascade, Williams, Woody, Word and Mr. Speaker—34.

Noes—None.

Absent and not voting—Berry, Binnard, Blackburn, Blake, Crouch,

Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Herbold, Hewett, Jacobson, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reser, Rodgers, Stevens, Story, Swick, Tuttle, Whaley, Wheeler of Silver Bow—39.

Title agreed to.

At this time Mr. Speaker announced that he was about to sign Senate Bills Nos. 33, 28, 87, 189, 172, 45, 135, 160, 187, 174, S. J. M. No. 7, Senate Bills 178, 197, 137 and 56, and signed same in the presence of the House.

THIRD READING OF HOUSE BILLS.

H. B. No. 456 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Bell, Burt, Byrnes, Dobell, Duffy of Granite, Ebert, Eliel, Gillis, Gray, Grubb, Holt, Holter, Jacobson, Johnson of Lewis and Clark, Law, Macdonald, McNally, Martin, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Swick, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Mr. Speaker—35.

Noes—Hickey—1.

Absent and not voting—Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Crouch, Donohue, Duffy of Silver Bow, English, Hayes, Herbold, Hewett, Higgins, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Lissner, McMurry, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Rodgers, Story, Tolman, Tuttle, Whaley and Word—37.

Title agreed to.

H. B. No. 279 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blake, Burt, Byrnes, Dobell, Ebert, Gillis, Gray, Holt, Holter, Johnson of Lewis and Clark, Macdonald, McNally, McQuitty, Martin, Nelson, Nolan, O'Flynn, Ralston, Reel, Roberts, Rodgers, Sarter, Schwartz, Slayton, Stevens, Swick, Wheeler of Cascade, Williams, Word and Mr. Speaker—33.

Noes—Asbridge,, Grubb, Jacobson, Reser, Tolman and Vaughan—6.

Absent and not voting—Baker, Berry, Binnard, Blackburn, Brady, Crouch, Donohue, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Hayes, Herbold, Hewett, Hickey, Higgins, Johnson of Ravalli, Kammerer, Kirschwing, Law, Lissner, McMurry, Moore of Silver Bow, Moore of Valley, Murray, O'Hern, Owenhouse, Paul, Story, Tuttle, Whaley, Wheeler of Silver Bow and Woody—34.

Title agreed to.

H. B. No. 451 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Bernard, Blake, Burt, Byrnes, Gray, Grubb, Hayes, Holt, Holter, Jacobson, Macdonald, McNally, McQuitty, Murray, Nelson, Ralston, Reel, Reser, Sarter, Schwartz, Slayton, Stevens, Williams, Woody and Mr. Speaker—27.

Noes—Hickey, Higgins and Johnson of Lewis and Clark—3.

Absent and not voting—Alley, Baker, Berry, Binnard, Blackburn, Brady, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Herbold, Hewett, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law Lissner, McMurry, Martin, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Roberts, Rodgers, Story, Swick, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Silver Bow, Wheeler of Cascade and Word—43.

Title agreed to.

S. J. M. No. 10 having been read three several times was passed by the following vote:

Ayes—Asbridge, Bell, Bernard, Blake, Brady, Burt, Byrnes, Eliel, English, Gray, Grubb, Hickey, Holt, Holter, Jacobson, Macdonald, McNally, Martin, Murray, Nelson, Ralston, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Swick, Vaughan, Wheeler of Cascade, Williams, Word and Mr. Speaker—34.

Noes—None.

Absent and not voting—Alley, Baker, Berry, Binnard, Blackburn, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Hewett, Higgins, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McQuitty, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Rodgers, Story, Tolman, Tuttle, Whaley, Wheeler of Silver Bow and Woody—39.

Title agreed to.

S. B. No. 113 having been read three several times was concurred in by the following vote:

Ayes—Asbridge, Bell, Bernard, Byrnes, Ebert, Eliel, Gray, Grubb, Hayes, Holt, Jacobson, Johnson of Lewis and Clark, Macdonald, McMurry, McQuitty, Martin, Murray, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Wheeler of Cascade, Word and Mr. Speaker—31.

Noes—Williams—1.

Absent and not voting—Alley, Baker, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, English, Gillis, Herbold, Hewett, Hickey, Higgins, Holter, Johnson of Ravalli, Jordan, Kammerer, Kirschwing, Law, Lissner, McNally, Moore of Silver Bow, Moore of Valley, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Rodgers, Tuttle, Whaley, Wheeler of Silver Bow and Woody—41.

Title agreed to.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, March 2nd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign House Bills Nos. 421, 105, 200, 121, 228, 34, 12, 426, 352, 274, 31, 133, House Joint Memo-

rial No. 6, Substitute 13, 391, 376 and 289, and same were signed in open session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Mr. Speaker at this time announced that he was about to sign House Bills Nos. 274 34, 228, 426, 133, 105, 421, 13, 121, 391, 352, 31, 376, 289, 200, 431 and H. J. M. No. 6, and signed same in the presence of the House.

THIRD READING OF SENATE BILLS.

S. B. No. 168 having been read three several times was concurred in by the following vote:

Ayes—Asbridge Bell, Bernard, Brady, Burt, Byrnes, Donohue, Duffy of Granite, Ebert, Gray, Grubb, Hayes, Hickey, Holt, Jacobson, Johnson of Ravalli, Jonnson of Lewis and Clark, Macdonald, McMurry, McQuitty, Martin, Nelson, Nolan, Reel, Reser, Roberts, Sarter, Schwartz, Slayton, Stevens, Story, Swick, Tolman, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Word and Mr. Speaker—39.

Noes—None.

Absent and not voting—Alley, Baker, Berry, Binnard, Blackburn, Blake, Crouch, Dobell, Duffy of Silver Bow, Eliel, English, Gillis, Herbold, Hewett, Higgins, Holter, Jordan, Kammerer, Kirschwing, Law, Lissner, McNally, Moore of Silver Bow, Moore of Valley, Murray, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Rodgers, Tuttle, Whaley and Woody—34.

Title agreed to.

S. B. No. 201 having been read three several times was concurred in by the following vote:

Ayes—Bell, Berry, Burt, Donohue, Duffy of Granite, Ebert, Gray, Hayes, Hickey, Holt, Jacobson, Johnson of Lewis and Clark, Jordan, Macdonald, McMurry, Murray, Nelson, Reel, Reser, Slayton, Story, Swick, Wheeler of Cascade, Williams, Word and Mr. Speaker—26.

Noes—Brady, Grubb, Martin, Sarter, Schwartz, Tolman and Vaughan —7.

Absent and not voting—Alley, Asbridge, Baker, Bernard, Binnard, Blackburn, Blake, Byrnes, Crouch, Dobell, Duffy of Silver Bow, Eliel, English, Gillis, Herbold, Hewett, Higgins, Holter, Johnson of Ravalli, Kammerer, Kirschwing, Law, Lissner, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Roberts, Rodgers, Stevens, Tuttle, Whaley, Wheeler of Silver Bow and Woody—40.

Title agreed to.

Martin moved that S. B. No. 57 be laid on the table.

On motion of Whaley roll call was had and the motion to table S. B. No. 57 was carried by the following vote:

Ayes—Bell, Bernard, Binnard, Blackburn, Blake, Brady, Dobell, Donohue, Ebert, Grubb, Hayes, Higgins, Holt, Johnson of Lewis and Clark, Lissner, McQuitty, Martin, Nolan, O'Flynn, Owenhouse, Reel, Slayton, Story, Tolman, Tuttle, Vaughan, Whaley, Wheeler of Cascade,

Williams, Word and Mr. Speaker—31.

Noes—Burt, Gray, Hickey, Jacobson, Jordan, Macdonald, Murray, Reser, Sarter, Schwartz, Swick—11.

Absent and not voting—Alley, Asbridge, Baker, Berry, Byrnes, Crough, Duffy of Granite, Duffy of Silver Bow, Eliel, English, Gillis, Herbold, Hewett, Holter, Johnson of Ravalli, Kammerer, Kirschwing, Law, McMurry, McNally, Moore of Silver Bow, Moore of Valley, Nelson, O'Hern, Paul, Ralston, Roberts, Rodgers, Stevens, Wheeler of Silver Bow and Woody—31.

S. B. No. 188 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Byrnes, Gray, Holt, Jacobson, McQuitty, Martin, Moore of Valley, Murray, Nolan, O'Flynn, Reser, Schwartz, Slayton, Tolman, Wheeler of Silver Bow, Williams, Word and Mr. Speaker—20.

Noes—None.

Absent and not voting—Asbridge, Baker, Bernard, Berry, Binnard, Blackburn, Blake, Brady, Burt, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Eliel, English, Gillis, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, Macdonald, McMurry, McNally, Moore of Silver Bow, Nelson, O'Hern, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Sarter, Stevens, Story, Swick, Tuttle, Vaughan, Whaley, Wheeler of Cascade and Woody—53.

Title agreed to.

The following communication was received from the Steering Committee:

To the Chief Clerk of the House of Representatives.

Place on General Orders H. B. Nos. 360, 306, 243, 192, 356, 85, 133, H. J. M. No. 14, H. B. Nos. 184 and 449 and Senate Bills Nos. 60, 155 and 177.

BYRNES, Chairman.

REPORTS OF STANDING COMMITTES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 129, introduced by Story, a Bill for an Act entitled, "An Act authorizing the Governor to appoint an Educational Commission for the purpose of amending, revising and collating the laws touching upon the Public Schools of the State, and for the further purpose of suggesting new legislation for the welfare of said schools, and an appropriation to meet the expenses of said Commission."

House Bill No. 211, introduced by Slayton, a Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of Montana of 1907, relating to the fees of County Clerks."

House Bill No. 190, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act relating to, and regulating the sale of coal, within the State of Montana, requiring all persons, associations, or corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violation of this Act."

House Bill No. 164, introduced by O'Flynn, a Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of Writ of Attachments."

House Bill No. 242, introduced by Macdonald, a Bill for an Act entitled, "An Act to amend Section 1664 of the Revised Codes of Montana of 1907, as amended by Section 2 of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection," as being correctly engrossed.

Mr. Speaker at this time announced that he had received notice from the Senate that they had passed a Resolution that they would consider no more House Bills except by unanimous consent and that unanimous consent would only be given for the consideration of meritorious bills.

Pursuant to above announcement, Binnard moved that the Chair appoint a Committee of three to confer with the Senate for the purpose of ascertaining the accuracy of that statement.

Motion prevailed and Mr. Speaker appointed Binnard, Word and Roberts on said Committee.

Word from the above Committee reported that the Senate had passed a resolution to receive no more House Bills except by unanimous consent.

Word moved that the House receive no more Senate Bills except by unanimous consent of the House and that the House send no more bills over to the Senate.

Byrnes moved to amend above motion so as to except therefrom all bills now on the board and all House Bills returned from the Senate for concurrence in amendments.

Amendment accepted and motion as amended prevailed.

MESSAGES FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, March 2nd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Senate Bills 160, 137, 174, 187, 189, 178, 172, 197, Substitute S. B. 56, Senate Joint Memorial No. 7, Substitute 33, 28, 87, 135 and 45.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

MOTIONS AND PETITIONS.

Macdonald offered the following motion:

Mr. Speaker:

I move that the Rules Committee be requested to bring in a special rule providing for the reading of bills in general orders by naming the sections and on third reading by title only.

Referred to Committee on Rules, Joint Rules and Order of Business.

REPORTS OF STANDING COMMITTEES.

Hayes from the Committee on Rules, Joint Rules and Order of Business reported as follows:

Mr. Speaker:

Committee on Rules beg leave to report that they have considered the motion just referred to them and recommend that bills in general orders be read by naming the sections, and bills on third reading by title only.

Report adopted.

THIRD READING OF SENATE AMENDMENTS.

Senate Amendments to H. B. Nos. 129, 211, 190, 164 and 242 were concurred in as read.

On motion of Macdonald the House resolved itself into a Committee of the Whole for the consideration of General Orders.

GENERAL ORDERS.

Gillis in the chair.

House resumed.

Mr. Speaker in the chair.

Gillis from the Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 360, an Act entitled, "An Act relating to associations, companies and corporations transacting business similar to building and loan associations, and providing for the regulation and control of such corporations, companies, or associations in the manner prescribed for the regulation and control of building and loan associations," having had same under consideration beg leave to report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 306, a Bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of old Fort Benton," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration H. B. No. 243, a Bill for an Act entitled, "An Act to exempt honorably discharged sailors and soldiers of the war of the Rebellion and honorably discharged sailors and soldiers of the Spanish American War from the payment of road tax and poll tax," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 192, a Bill for an Act entitled, "An Act to pay additional bounty of Ten ($10.00) Dollars on each mountain lion killed in Montana and providing that the same shall be paid from the Fish and Game Fund, after due notice has been given by the person claiming the bounty to the State Game and Fish Warden, and prescribing the duties of the State Game and Fish Warden in connection therewith," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 356, a Bill for an Act entitled, "An Act to provide for the preservation of information

concerning members of the Montana Volunteers who served in the Spanish-American War of 1898, and making appropriation therefor," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 85, a Bill for an Act entitled, "An Act to authorize the State Game and Fish Warden to construct and place paddle wheels for the protection of game fish at the heads of various irrigating ditches, and appropriating money therefor," report same back to the House with the recommendation that it do pass.

Also having had under consideration Sub. H. B. No. 138, a Bill for an Act entitled, "An Act to amend Section 5773 of the Revised Codes of Montana of 1907, in relation to mortgages on growing crops, prescribing the duties, rights and liabilities of the mortgagors and mortgagees and purchasers of mortgaged personal property and providing a penalty for the violation thereof," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. J. M. No. 14, a Memorial to the President praying for the convoking in special session of the Sixty-second Congress to have the tariff rates removed from the necessaries of life, report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 184, a Bill for an Act entitled, "An Act to regulate the sale of illuminating oil, coal oil and gasoline and providing a penalty for the violation of its provisions," report same back to the House with the recommendation that it do pass.

Also having had under consideration H. B. No. 449, a Bill for an Act entitled, "An Act to amend Sections 8573 and 8576 of the Revised Codes of Montana of 1907, and to permit the holding of boxing exhibitions and contests under certain regulations and restrictions," report same back to the House with the recommendation that it do pass as amended.

Also having had under consideration S. B. No. 60, a Bill for an Act entitled, "An Act to authorize the State Board of Examiners of Montana to prepare and have indexed, printed and bound, copies of debates and proceedings of Constitutional Convention of the State of Montana, and to provide for the distribution of same and providing an appropriation therefor," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 155, a Bill for an Act entitled, "An Act to amend Section 4240 of the Revised Codes of Montana of 1907, relating to the powers of cemetery associations and extending thereto the right of Eminent Domain," report same back to the House with the recommendation that it be concurred in.

Also having had under consideration S. B. No. 177, a Bill for an Act entitled, "An Act for the changing of names of any natural stream, water course, spring, coulee, creek, river and lake and other natural source of water supply which lies wholly within the limits of one coun-

ty," report same back to the House with the recommendation that it be concurred in.

Report of the Committee of the Whole adopted.

On motion of Martin all bills not amended, included in the report of the Committee of the Whole were considered engrossed.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 275 by Dobell, and No. 343 by Story, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 409, by Gray, House Bill No. 415, by O'Hern, H. B. No. 267, by Committee on Waterways and Navigation, H. B. No. 143, by O'Flynn; Substitute House Bill No. 454, Substitute House Bills Nos. 365 and 368, introduced by Committee on Townships and Counties, Substituting Senate Bill No. 72, House Bills, 365 and 368, introduced by Meyer, Tolman and Gray; House Bill No. 77, by O'Flynn; H. B. No. 408, introduced by Story, H. B. No. 418, by Blackburn, House Bill No. 310, by McNally; No. 304 by Story, and No. 430 by Committee on Appropriations, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 96, by Stevens, House Bill No. 271, by Nolan, House Bill No. 440, by Committee on Appropriations, House Bill No. 425, by Committee on Appropriations, House Bill No. 416, by Committee on Live Stock and Public Ranges, and Substitute for House Bill No. 109, by Jordan, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 400, introduced by Committee on Appropriations; House Bill No. 401, introduced by Committee on Appropriations and House Bill No. 370, by Blackburn, having been read three several times and con-

curred in as amended, are herewith returned for your concurrence in Senate amendments.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 395, by Blackburn; House Bill No. 432 by Martin; House Bill No. 279 by Gillis; House Bill No. 435 by Eliel; Substitute House Bill No. 250, Substitute for House Bill No. 250, introduced by Bernard, having been read three several times and concurred in, are herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Joint Memorial No. 3, introduced by Slayton; also House Bill No. 397 introduced by Committee on Appropriations; Substitute for House Bill No. 336 introduced by O'Flynn; House Joint Memorial No. 11 by McQuitty; House Joint Memorial No. 15 introduced by Nolan, having been read three several times and concurred in are herewith returned.

Respectfully,
NATHAN GODFREY,
Secretary of Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 456 Substitute for Substitute Senate Bill No. 124, introduced by Committee on Banks and Banking; also House Bill No. 417, introduced by O'Hern, having been read three several times and concurred in are herewith returned.

Also House Bill No. 420, introduced by Eliel, having been read three several times and concurred in as amended, is herewith transmitted for your concurrence in Senate Amendments.

Respectfully,
NATHAN GODFREY,
Secretary of the Senate.

THIRD READING OF HOUSE BILLS.

Senate Amendments to H. B. No. 115 having been read were concurred in.

H. B. No. 243 having been read three several times was passed by the following vote:

Ayes—Alley, Asbridge, Baker, Bell, Blake, Brady, Byrnes, Donohue, Duffy of Granite, Ebert, Eliel, Gray, Herbold, Higgins, Holt, Jacob-

son, Johnson of Ravalli, Lissner, McMurry, O'Hern, Reser, Schwartz, Story, Swick, Tolman, Wheeler of Silver Bow, Williams, Woody and Mr. Speaker—29.

Noes—Martin—1.

Absent and not voting—Bernard, Berry, Binnard, Blackburn, Burt, Crouch, Dobell, Duffy of Silver Bow, English, Gillis, Grubb, Hayes, Hewett, Hickey, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Macdonald, McNally, McQuitty, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Sarter, Slayton, Stevens, Tuttle, Vaughan, Whaley, Wheeler of Cascade and Word—43.

Title agreed to.

H. B. No. 356 having been read three several times was passed by the following vote:

Ayes—Alley, Bell, Bernard, Blackburn, Blake, Byrnes, Eliel, Gray, Higgins, Holt, Jacobson, Macdonald, Ralston, Reser, Sarter, Schwartz, Slayton, Story, Vaughan and Mr. Speaker—20.

Noes—None.

Absent and not voting—Asbridge, Baker, Berry, Binnard, Brady, Burt, Crouch, Dobell, Donohue, Duffy of Granite, Duffy of Silver Bow, Ebert, English, Gillis, Grubb, Hayes, Herbold, Hewett, Hickey, Holter, Johnson of Ravalli, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McMurry, McNally, McQuitty, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Roberts, Rodgers, Stevens, Swick, Tolman, Tuttle, Whaley, Wheeler of Silver Bow, Wheeler of Cascade, Williams, Woody and Word—53.

Title agreed to.

At this time Mr. Speaker announced that he was about to sign Sub. S. B. No. 68, S. B. No. 179 and S. B. No. 10, and signed same in the presence of the House.

THIRD READING OF SENATE BILLS.

Senate Amendments to H. B. No. 420 having been read were concurred in.

S. B. No. 60 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Bernard, Blackburn, Byrnes, Donohue, Duffy of Granite, Ebert, Eliel, Gray, Herbold, Holt, Jacobson, Johnson of Ravalli, Macdonald, McMurry, McQuitty, Reser, Sarter, Schwartz, Story, Whaley, Williams, Word and Mr. Speaker—25.

Noes—None.

Asent and not voting—Asbridge, Baker, Berry, Binnard, Blake, Brady, Burt, Crouch, Dobell, Duffy of Silver Bow, English, Gillis, Grubb, Hayes, Hewett, Hickey, Higgins, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McNally, Martin, Moore of Silver Bow, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Ralston, Reel, Roberts, Rodgers, Slayton, Stevens, Swick, Tolman, Tuttle, Vaughan, Wheeler of Silver Bow, Wheeler of Cascade and Woody—48.

Title agreed to.

S. B. No. 155 having been read three several times was concurred in by the following vote:

Ayes—Bell, Bernard, Blackburn, Blake, Brady, Byrnes, Duffy of Granite, Ebert, Eliel, Gray, Holt, Jacobson, Johnson of Ravalli, McMurry, Moore of Silver Bow, Owenhouse, Ralston, Reser, Sarter, Story, Tolman, Tuttle, Wheeler of Silver Bow, Word and Mr. Speaker—25.

Noes—Macdonald and Martin—2.

Absent and not voting—Alley, Asbridge, Baker, Berry, Binnard, Burt, Crouch, Dobell, Donohue, Duffy of Silver Bow, English, Gillis, Grubb, Hayes, Herbold, Hewett, Hickey, Higgins, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, Lissner, McNally, McQuitty, Moore of Valley, Murray, Nelson, Nolan, O'Flynn, O'Hern, Paul, Reel, Roberts, Rodgers, Schwartz, Slayton, Stevens, Swick, Vaughan, Whaley, Wheeler of Cascade, Williams and Woody —46.

Title agreed to.

S. B. No. 177 having been read three several times was concurred in by the following vote:

Ayes—Alley, Bell, Bernard, Dobell, Duffy of Granite, Gillis, Gray, Holt, Jacobson, McMurry, Moore of Silver Bow, Reser, Sarter, Schwartz, Story, Tuttle, Wheeler of Silver Bow, Woody and Mr. Speaker—19.

Noes—Asbridge, Blackburn, Brady, Crouch, Ebert, Grubb, Higgins, Johnson of Ravalli, Lissner, Macdonald, Martin, Moore of Valley, Ralston, Slayton, Tolman, Whaley and Word—17.

Absent and not voting—Baker, Berry, Binnard, Blake, Burt, Byrnes, Donohue, Duffy of Silver Bow, Eliel, English, Hayes, Herbold, Hewett, Hickey, Holter, Johnson of Lewis and Clark, Jordan, Kammerer, Kirschwing, Law, McNally, McQuitty, Murray, Nelson, Nolan, O'Flynn, O'Hern, Owenhouse, Paul, Reel, Roberts, Rodgers, Stevens, Swick, Vaughan, Wheeler of Cascade and Williams—37.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 115, introduced by Jordan, being a Bill for an Act entitled, "An Act to amend Section 1144, of the Revised Codes of 1907, and to provide for the payment of fees and mileage of physicians in insanity examinations," and

House Bill No. 420, introduced by Eliel, being a Bill for an Act entitled "An Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly," as being correctly engrossed.

THIRD READING OF HOUSE BILLS.

Senate Amendments to House Bills Nos. 370, 401 and 400 were ready for concurrence, whereupon Byrnes moved that a Committee be appointed to confer with the Senate upon these amendments.

Motion prevailed and Mr. Speaker appointed the following on said committee:

Blackburn, Byrnes, Eliel and Donohue.

At this time Mr. Speaker announced that he was about to sign H. B. No. 343, S. B. No. 201 and S. B. No. 93, and signed same in the presence of the House.

At this time the Conference Committee on Senate Amendments to House Bills Nos. 370, 401 and 400 reported as follows:

Mr. Speaker:

We your Conference Committee appointed to confer with a Committee of the Senate to consider Senate Amendments to H. B. No. 370, H. B. No. 400, and H. B. No. 401 beg leave to report as follows:

We recommend that the House concur in all amendments to H. B. 401 except the amendment relating to the appropriation of $20,000.00 for a dormintory of the School of Mines at Butte and that the Senate recede from this amendment. We recommend that the House concur in all amendments to H. B. 400. We recommend that the House concur in all amendments made by the Senate to H. B. 370 except the amendment relating to salary of Capitol employees, namely, of engineers and assistant engineers, and that the Senate recede from this amendment.

Report adopted.

At this time Mr. Speaker announced that he was about to sign Senate Bills Nos. 113, 155, 188 and 60 and S. J. M. No. 10 and House Bill No. 430, and signed same in the presence of the House.

REPORTS OF STANDING COMMITTEES.

Berry from the Committee on Enrollment reported as follows:

House of Representatives, March 2, 1911.

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 430, introduced by Committee on Appropriations, an Act appropriating money for the payment of deficiency claims for expense of State Treasurer, beg leave to report the same is returned herewith properly enrolled.

BERRY, Chairman of Committee on Enrollment.

Also Berry from the Committee on Enrollment reported as follows:

Mr. Speaker:

Your Committee on Enrollment to whom were referred House Joint Memorial No. 11, introduced by McQuitty, a Memorial to the Congress of the United States urging the ratification of Trade Agreement with the Dominion of Canada.

House Bill No. 190, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act relating to and regulating the sale of coal, within the State of Montana, requiring all persons, associations, or corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violations of this Act."

Substitute for House Bill No. 336, introduced by O'Flynn, a Bill for an Act entitled, "An Act prohibiting peace officers and other per-

sons from obtaining or seeking to obtain confessions from persons under arrest, or charged with the commission of a crime."

House Bill No. 417, introduced by O'Hern, a Bill for an Act entitled, "An Act to amend Section 1665 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of a Clerk to the Secretary of the State Bureau of Child and Animal Protection."

House Bill No. 164, introduced by O'Flynn, a Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of attachments."

House Joint Memorial No. 3, introduced by Slayton, a Memorial to Congress asking that the Snowy Mountains National Forest be made a Game Preserve.

House Bill No. 397, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and the Board of Examiners for Coal Mine Foreman and Mine Boss."

House Bill No. 409, introduced by Gray, a Bill for an Act entitled, "An Act authorizing the issuance of permits to cut and take away timber for domestic purposes from State Timber Lands."

House Bill No. 415, introduced by O'Hern, a Bill for an Act entitled, "An Act to provide for the services of a clerk to the Adjutant General of the State of Montana and fixing the compensation of said Clerk," beg leave to report that the same are herewith returned correctly enrolled.

MESSAGES FROM THE SENATE.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, March 2nd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Report of the Joint Conference Committee is as follows:

"Your Committee appointed to confer with a like Committee from the House regarding amendments to House Bills Nos. 370, 400 and 401, recommend as follows:

House concurs in Senate Amendments to House Bill 400;

House concurs in all amendments to House Bill No. 401, except amendment relating to Dormitory for School of Mines, and the Senate recedes from this Amendment.

House concurs in all amendments to House Bill 370, except that pertaining to Engineers and Assistants in Capitol Building and Senate recedes from said Amendment."

Respectfully,

(Signed) SELWAY, Chairman Committee.

Report adopted, and is herewith transmitted for your information.

Respectfully,

(Signed) NATHAN GODFREY,
Secretary of the Senate.

Senate Chamber, Helena, Montana, March 2, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that

House Bill No. 358, by O'Hern, House Substitute Bill No. 139, Substitute Bill No. 139 introduced by Committee on Livestock and Public Ranges; House Bill No. 273 by Nolan; House Bill No. 346 by Word, having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, March 2nd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Senate Bills Nos. 179, 10 and Sub. S. B. 68, and same were signed in open session.

Respectfully,

(Signed) NATHAN GODFREY,

Secretary of the Senate.

Senate Chamber, Helena, Montana, March 2nd 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign Senate Bill No. 113, Senate Joint Memorial No. 10, Senate Bill 188, Senate Bills 93, 201, House Joint Memorial No. 3, House Joint Memorial No. 11, House Bills 343, 336, 417, 164, 397, 190, 415, 409, and same were signed in open session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

At this time Mr. Speaker announced that he was about to sign House Bills Nos. 409, 415, 190, 417, 397, 164, 336 and House Joint Memorials 11 and 3.

Martin from the Committee on Engrossment reported as follows: Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 400, a bill for an Act entitled, "An Act appropriating money for the maintenance of the executive and judicial departments of the State Government for two years, commencing March 1, 1911, and ending February 28, 1913;" and

House Bill No. 401, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the maintenance and improvement of the various State Institutions for Montana, for two years, commencing March 1, 1911, and ending February 28, 1913;" and

House Bill No. 370, introduced by Blackburn, a Bill for an Act entitled, "An Act prescribing the salary of certain appointive and Deputy State Officers, clerks, stenographers and employees at the State Capitol," as being correctly engrossed.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill

No. 275, introduced by Dobell, a Bill for an Act entitled, "An Act to establish the office of clerk of the Montana State Fish Commission and clerk to the Director of the State Fish Hatchery and providing for the appointment of Mrs. Chas. B. Peyton as such clerk of the Montana State Fish Commission and clerk to the Director of the State Fish Hatchery, for the term of four years, and providing for the salary of such officer, and defining the duties of such officer and appropriating money out of the Fish and Game Fund for the payment of such salary," beg to report that the same is returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 115, introduced by Jordan, a Bill for an Act entitled, "An Act to amend Section 1144, of the Revised Codes of 1907, and to provide for the payment of fees and mileage of physicians in insanity examinations;"

House Bill No. 129, introduced by Story, a Bill for an Act entitled, "An Act authorizing the Governor to appoint an Educational Commission for the purpose of amending, revising, and collating the laws touching upon the public schools of the State, and for the further purpose of suggesting new legislation for the welfare of said schools, and an appropriation to meet the expenses of said commission;"

House Bill No. 242, introduced by Macdonald, a Bill for an Act entitled, "An Act to amend Section 1664 of the Revised Codes of Montana of 1907, as amended by Section 2 of Chapter 36 of the Eleventh Legislative Assembly of the State of Montana, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection;"

House Bill No. 418, introduced by Blackburn, a Bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claims and salary of the members of the Supreme Court, the District Judges of the State, and the County Attorneys of the State, for the quarter ending February 28, 1911;"

House Bill No. 435, introduced by Eliel, a Bill for an Act entitled, "An Act to appropriate money to purchase certain appliances for the office of State Examiner and to defray certain expenses of said office;"

House Bill No. 440, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act to appropriate money for the payment of the claim of certain persons for expenses incurred by the State Board of Examiners for Coal Mine Inspector for the year ending Feb. 28, 1911;" and

House Joint Memorial No. 15, introduced by Nolan, to petition Congress to adopt resolution now pending to recognize the rights of American citizenship under treaty, beg leave to report the same as here properly enrolled.

At this time Mr. Speaker announced that he was about to sign House Bill No. 275, Senate Bills 177 and 168 and House Bills Nos. 418, 129, 242, 115, H. J. M. No. 15, and House Bills Nos. 435 and 440, and signed same in the presence of the House.

Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 271, introduced by Nolan, a Bill for an Act entitled, "An Act to appropriate $5,000 for the purpose of assisting in the erection of a monument within the State Capitol Building at Helena, Montana, to perpetuate the memory of the late Wilbur F. Sanders and for the appointment of a commission to assist in the erection of Memorial."

House Bill No. 279, introduced by Gillis, a Bill for an Act entitled, "An Act to permit railroad companies to carry free or at reduced rates, persons and property in certain cases;"

House Bill No. 395, introduced by Blackburn, a Bill for an Act entitled, "An Act to permit common carriers to carry free or at reduced rates, persons and property in certain cases."

House Bill No. 456, Substitute for Substitute Senate Bill No. 124, introduced by Committee on Banks and Banking, a Bill for an Act entitled, "An Act providing for the examination by the State Examiner of all unincorporated banks doing business within the State of Montana; prescribing the duties of the State Examiner in relation thereto, and providing penalties for the violation of the provisions of this Act;"

Substitute House Bill No. 250, Substitute for House Bill No. 250, introduced by Bernard, a Bill for an Act entitled, "An Act to amend Sections 4092 and 4106 of the Compiled Codes of the State of Montana, relating to mutual rural insurance companies;" and

Substitute House Bill No. 454, Substitute for House Bills No. 365 and 368, introduced by Committee on Townships and Counties, Substituting Senate Bill No. 72, House Bills 365 and 368, introduced by Meyer, Tolman and Gray, a Bill for an Act entitled, "An Act defining the term itinerant vendors, to regulate the licensing of same, to fix the amount of such licenses, to provide penalties for the violation of such regulation and for other purposes;" beg leave to report the same as hereby properly enrolled.

At this time Mr. Speaker announced that he was about to sign Sub. H. B. No. 454, House Bills Nos. 271, 279, 456, 395 and 250, and signed the same in the presence of the House.

Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

We, your Committee on Enrollment to whom was referred House Bill No. 143, introduced by O'Flynn, being a Bill for an Act entitled, "An Act providing for the regulation and control of Domestic and Foreign Fraternal Benefit Societies, Associations and Corporations, in the State of Montana."

House Bill No. 420, introduced by Eliel, being a Bill for an Act entitled, "An Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly."

House Bill No. 425, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by Neil Collins in serving on workingmen's compensation committee."

House Bill No. 296, introduced by Stevens, being a Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, as amended by an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines," approved March 4th, 1909, and to amend Section 2067 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines."

House Bill No. 304, introduced by Story, being a Bill for an Act entitled, "An Act to prohibit the hunting of game animals and game birds within a certain district in the State of Montana, defining the boundaries of said district, and providing punishment for the violation thereof."

House Bill No. 408, introduced by Story, being a Bill for an Act entitled, "An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines investigating Committee and authorizing the payment of the same."

House Bill No. 211, introduced by Slayton, being a Bill for an Act entitled, "An Act to amend Section 3168 of the Revised Codes of 1907, relating to the fees of county clerks."

House Bill No. 77, introduced by Byrnes, being a Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary and defining his duties; and defining the duties and powers of certain other officials in relation thereto. And House Bill No. 416, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entited "An Act to appropriate the sum of one thousand ($1000.00) Dollars, or so much thereof as may be necessary to pay the per diem and mileage of the members of the joint Committee to investigate the affairs of the State Board of Stock Commissioners, and to pay the mileage and per diem of witnesses required to testify before said Committee and providing for the payment thereof, and for other purposes," beg leave to return the same herewith properly enrolled.

At this time Mr. Speaker announced that he was about to sign House Bills Nos. 143, 420, 425, 296, 416, 304, 408, 211 and 77, and signed same in the presence of the House.

Berry from the Committee on Enrollment reported as follows:
Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 432, introduced by Martin, being a Bill for an Act to amend Sections 3176 and 3177 of the Revised Codes of Montana of 1907, relating to fees of Justice of the Peace and Constable.

House Bill No. 358, introduced by O'Hern, being a Bill for an Act entitled, "An Act providing for the establishing of a State Board of Poultry Husbandry, prescribing the duties of such Board and appropriating money therefor," beg leave to return the same herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows:
Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 370, introduced by Blackburn, being a Bill for an Act entitled, "An Act prescribing the salary of certain appointive and Deputy State Officers, clerks, stenographers, employees at the State Capitol," beg leave to report that the same is returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Substitute Bill No. 139, substituting H. B. No. 139, introduced by Committee on Live Stock and Public Ranges, being a Bill for an Act entitled, "An Act to provide for the districting of the State of Montana and the appointment of four additional deputy State Veterinary Surgeons, defining their qualifications, duties and compensation, providing for the testing of bovine animals, their quarantine, destruction and disposition under the general supervision of the Live Stock Sanitary Board."

Substitute for House Bill No. 109, introduced by Jordan, being a Bill for an Act entitled, "An Act providing for the establishment, maintenance and conduct of an institution in connection with the State Insane Asylum for the care and treatment of persons suffering from mental affliction occasioned by the use of drugs or intoxicants; providing for the commitment thereto and prescribing penalties for infractions of the provisions thereof," beg leave to return the same herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 267, introduced by Committee on Waterways and Navigation, a Bill for an Act entitled, "An Act to provide for the inspection of steam boats and all other boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana, to provide for the inspection and for the appointment of an inspector of boats, to define his duties, to provide for his compensation and to provide sailing rules for all such boats, and for the general superintendence and control of navigation by the State Board of Railroad Commissioners, and providing a penalty for the violation of any of the provisions of this Act."

House Bill No. 273, introduced by Nolan, a Bill for an Act entitled, "An Act providing for bonding fire districts in unincorporated cities and towns."

House Bill No. 310, introduced by McNally, a Bill for an Act entitled, "An Act to establish a State Hospital to be known as the Montana State Tuberculosis Sanitarium in some suitable location in the State of Montana for the treatment of tuberculosis, and also what is commonly known as Miners' Consumption, prescribing rules and regulations for the same and making appropriations therefor."

House Bill No. 400, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the maintenance of executive and judicial departments of the State Government for two years commencing March 1, 1911, and ending February 28,

1913," beg leave to report that the same are returned herewith properly enrolled.

Also Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

Your Committee on Enrollment, to whom was referred House Bill No. 401, introduced by Committee on Appropriations, being a Bill for an Act entitled, "An Act appropriating money for the maintenance and improvement of the various State Institutions of Montana, for two years, commencing March 1, 1911, and ending February 28, 1913," and

House Bill No. 346, introduced by Word, beg leave to report that the same are herewith proprely enrolled.

At this time Mr. Speaker announced that he was about to sign House Bills Nos. 358, 267, 370, 273, 310, 109, 400, 401, 139, 346 and 432, and signed same in the presence of the House.

COMMUNICATIONS FROM THE SENATE.

The following communication was received from the Senate:

Senate Chamber, Helena, Montana, March 2nd, 1911.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President announced that he was about to sign House Bills No. 186, Senate Bills, 168, 177, House Bill No. 129, House Joint Memorial No. 15, House Bills, Nos. 435, 242, 418, 115, 444, 275, 271, 250, 456, 279, 395, Substitute House Bill No. 454, 408, 143, 296, 77, 211, 304, 416, 420, 425, 401, 310, 139, 346, 273, 358, 432, 400, 370, 267, 109, 103, 430 431 and 440, and the same were signed in open session.

Respectfully,

NATHAN GODFREY,

Secretary of the Senate.

REPORTS OF STANDING COMMITTEES.

Berry from the Committee on Enrollment reported as follows: Mr. Speaker:

I have this 2nd day of March at 55 minutes past 11 P. M. submitted to the Governor for his consideration House Substitute Bill No. 139, Substituting House Bill No. 139, introduced by Committee on Live Stock and Public Ranges, being a Bill for an Act entitled, "An Act to provide for districting of the State of Montana and the appointment of four additional Deputy State Veterinary Surgeons defining their qualifications, duties and compensation; providing for the testing of bovine animals, their quarantine, destruction and disposition under the general supervision of the Live Stock Sanitary Board." Also

House Joint Memorial No. 11, introduced by McQuitty, a Memorial to the Congress of the United States urging the ratification of trade agreement with the Dominion of Canada.

House Bill No. 190, introduced by Wheeler of Silver Bow, a Bill for an Act entitled, "An Act relating to, and regulating the sale of coal, within the State of Montana, requiring all persons, associations, or corporations retailing or selling at retail, coal of any kind, to take out a license, providing for violation of this Act."

Substitute for House Bill No. 336, introduced by O'Flynn, a Bill for an Act entitled, "An Act prohibiting peace officers and other persons from obtaining or seeking to obtain confessions from persons under arrest, or charged with the commission of a crime."

House Bill No. 417, introduced by O'Hern, a Bill for an Act entitled, "An Act to amend Section 1665 of the Revised Codes of Montana of 1907, relating to the appointment and compensation of a clerk to the Secretary of the State Bureau of Child and Animal Protection."

House Bill No. 164, introduced by O'Flynn, a Bill for an Act entitled, "An Act amending Section 6662 of the Revised Codes of Montana of 1907, relating to levy of writ of attachment."

House Joint Memorial No. 3, introduced by Slayton, a Memorial to Congress asking that the Snowy Mountains National Forest be made a game preserve.

House Bill No. 397, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money to pay deficiency claims incurred in the office of the Coal Mine Inspector and the Board of Examiners for Coal Mine Foreman and Mine Boss."

House Bill No. 409, introduced by Gray, a Bill for an Act authorizing the issuance of permits to cut and take away timber for domestic purposes from State Timber lands."

House Bill No. 415, introduced by O'Hern, a Bill for an Act entitled, "An Act to provide for the services of a Clerk to the Adjutant General of the State of Montana and fixing the compensation of said clerk."

House Bill No. 432, introduced by Martin, being a Bill for an Act to amend Sections 3176 and 3177 of the Revised Codes of Montana of 1907, relating to fees of Justice of the Peace and Constable.

House Bill No. 358, introduced by O'Hern, being a Bill for an Act entitled, "An Act providing for the establishment of the State Board of Poultry Husbandry, prescribing the duties of such Board and appropriating money therefor."

House Bill No. 267, introduced by Committee on Water Ways and Navigation, a Bill for an Act entitled, "An Act to provide for the inspection of steam boats and all other boats propelled by machinery, sailing craft, ferry boats and boats carrying passengers or freight for hire on any of the navigable waters of the State of Montana, to provide for their inspection and for the appointment of an inspector of boats, to define his duties, to provide for his compensation and to provide sailing rules for all such boats, and for the general superintendence and control of navigation of the State Board of Railroad Commissioners, and providing a penalty for the violation of any of the provisions of this Act."

House Bill No. 273, introduced by Nolan, a Bill for an Act entitled an Act providing for bonding fire districts in unincorporated cities and towns; and

House Bill No. 310, introduced by McNally, a Bill for an Act entitled, "An Act to establish a State Hospital to be known as the Montana State Tuberculosis Sanitarium, in some suitable location in the

State of Montana, for the treatment of tuberculosis and also what is commonly known as Miners' Consumption, prescribing rules and regulations for the same and making appropriation therefor.

House Bill No. 400, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money for the maintenance of the executive and judicial depratments of the State Government for two years, commencing March 1, 1911, and ending February 28, 1913."

Substitute for House Bill No. 109, introduced by Jordan, being a Bill for an Act entitled, "An Act providing for the establishment, maintenance and conduct of an institution in connection with the State Insane Asylum for the care and treatment of persons suffering from mental affliction occasioned by the use of drugs or intoxicants; providing for the commitment thereto and prescribing penalties for infractions of the provisions thereof." Also

House Bill No. 143, introduced by O'Flynn, being a Bill for an Act entitled, "An Act providing for the regulation and control of Domestic and Foreign Fraternal Benefit Societies, Associations and Corporations in the State of Montana."

House Bill No. 420, introduced by Eliel, a Bill for an Act entitled, "An Act to appropriate money to pay certain incidental expenses of the Twelfth Legislative Assembly."

House Bill No. 425, introduced by Committee on Appropriations, a Bill for an Act entitled, "An Act appropriating money to defray the expenses incurred by Neil Collins in serving on Workingmen's Compensation Committee."

House Bill No. 296, introduced by Stevens, a Bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, as amended by an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana of 1907, providing suitable burial for deceased soldiers, sailors and marines. Approved March 4th, 1909, and to amend Section 2067 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines."

House Bill No. 304, introduced by Story, a Bill for an Act entitled, "An Act to prohibit the hunting of game animals and game birds within a certain district in the State of Montana, defining the boundaries of said district, and providing punishment for the violation thereof."

House Bill No. 408, introduced by Story, a Bill for an Act entitled, "An Act appropriating money for the payment of certain expenses incurred by the Joint Senate and House Mines Investigating Committee and authorizing the payment of the same."

House Bill No. 211, introduced by Slayton, a Bill for an Act to amend Section 3168 of the Revised Codes of Montana of 1907, relating to the fees of County Clerks."

House Bill No. 77, introduced by Byrnes, "A Bill for an Act to create and establish the office of State Fire Marshal, to provide for his appointment, fixing his salary, defining his duties, and defining the duties and powers of certain other officials in relation thereto."

House Bill No. 416, introduced by Committee on Live Stock and Public Ranges, a Bill for an Act entitled, "An Act to appropriate the sum of one thousand ($1,000.00) dollars, or so much thereof as may be necessary to pay the per diem and mileage of the members of the Joint Committee, to investigate the affairs of the State Board of Stock Commissioners, and to pay the mileage and per diem of witnesses required to testify before said committee and providing for the payment thereof and for other purposes." Also

House Bill No. 370, introduced by Blackburn, being a Bill for an Act entitled, "An Act prescribing the salary of certain appointive and deputy State Officers, clerks, stenographers and employees at the State Capitol."

Also House Bill No. 430, introduced by Committee on Appropriations, an Act appropriating money for the payment of deficiency claims for expense of state treasurer. Also,

House Bill No. 275, introduced by Dobell, a Bill for an Act entitled, "An Act to establish the office of clerk of the Montana State Fish Commission and clerk to the director of the State Fish Hatchery, and providing for the appointment of Mrs. Chas. B. Peyton as such clerk of the Montana State Fish Commission and clerk to the director of the State Fish Hatchery for the term of four years, and providing for the salary of such office and defining the duties of such officer and appropriating money out of the Fish and Game fund for the payment of such salary." Also

House Bill No. 271, introduced by Nolan, House Bill No. 273, introduced by Gillis, House Bill No. 395, introduced by Blackburn, House Bill No. 456, Substitute for Substitute Senate Bill No. 124, introduced by Committee on Banks and Banking, Substitute House Bill No. 250, Substitute for House Bill No. 250, introduced by Bernard, and Substitute House Bill No. 454, Substitute for House Bills No. 365 and 368, introduced by Committee on Townships and Counties. Substituting Senate Bill No. 72, House Bills 365 and 368, introduced by Meyer, Tolman and Gray. Also

House Bill No. 115, introduced by Jordan; House Bill No. 129, introduced by Story; House Bill No. 242, introduced by Macdonald; House Bill No. 343, introduced by Story; House Bill No. 346, introduced by Word; House Bill No. 401, introduced by Committee on Appropriations; House Bill No. 418, introduced by Blackburn; House Bill No. 435, introduced by Eliel; House Bill No. 440, introduced by Committee on Appropriations, and House Joint Memorial No. 15, introduced by Nolan.

MOTIONS AND RESOLUTIONS.

By Byrnes of Lewis and Clark:

Mr. Speaker:

I move that a committee of three be appointed by the Speaker to wait upon the Senate and inform that honorable body that the House of Representatives of the Twelfth Legislative Assembly has completed its business and is about to adjourn, and that a like committee be appointed to wait upon the Governor and inform him that the House has completed its business and is now about to adjourn sine

die and do request from him any further communication which he may have to offer.

Motion pevailed, and the Speaker appointed Byrnes, O'Flynn and McNally as such Committee to wait upon the Senate and inform it that the House was ready to adjourn; and Berry, Blake and Rodgers as a Committee to notify the Governor that the House was ready to adjourn.

Byrnes of Lewis and Clark reported that the Committee appointed to notify the Senate that the House was ready to adjourn had performed its duty. Report adopted.

Berry of Missoula reported that the Committee had notified the Governor that the House was ready to adjourn. Report adopted.

A Committee from the Senate, consisting of Kessler, Christopher and Whiteside, presented itself at the bar of the House and notified the House that the Senate had completed its business.

On motion of McNally the House of Representatives of the Twelfth Legislative Assembly adjourned sine die.

W. W. McDOWELL, Speaker.

Attest:

FINLAY McRAE, Chief Clerk.